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THE

MANUAL OF PEACE,

EMBRACING

I, EVILS AND REMEDIES OF WAR,

II, SUGGESTIONS ON THE LAW OF NATIONS,

III, CONSIDERATION OF A CONGRESS OF NATIONS,

BY

THOMAS C. UPHAM,

PROFESSOR OF MENTAL AND MORAL PHILOSOPHY IN BOWDOIN COLLEGE.

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PRESS OF J. GRIFFIN.

PREFACE.

It is with unfeigned diffidence I present this work to the public. I am not ignorant of the defects in its execution; and I commend it to the reader solely on account of the greatness of the object. That wars must cease, absolutely and universally, is certain; but they will cease in connection with *effort*. And I felt desirous to unite my labors, however feeble they might be thought to be, with that small band of philanthropists, who have already taken the field on this subject. It is already evident, that their labors have not been in vain; and the hope, based upon the most rational foundation, begins to be cherished, that wars will soon terminate. How desirable it is, that every christian, that every friend of his race should contribute his efforts, in the furtherance of this great object!

In preparing this Work I have freely availed myself of the labors of others, and take this opportunity to acknowledge my obligations in particular to Dr. Noah Worcester, Dymond, Mr. Grimké, Edward Livingston, Thomas Hancock, and Mr. Ladd. To the gentleman last named, whose labors in the cause of peace are too well known to require any mention here, I am indebted for having my attention first called to this important subject.

THOMAS C. UPHAM.

Bowdoin College, Nov. 1835.

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PART FIRST.

EVILS AND REMEDIES OF WAR.

CHAPTER FIRST.

SUFFERINGS OF THE FIELD OF BATTLE.

THE Work, upon which we now enter, divides itself into THREE parts,

I, The evils and the remedies of War,

II, Suggestions on the Law of Nations,

III, The consideration of the subject of a Congress of Nations.

In pursuance of this plan, we commence with an examination of some of the evils of war. In respect to this almost inexhaustible topic, we wish to premise to the reader, that we shall attempt to give only a mere glimpse of it. So numerous are the other topics, on which we shall find it proper and important to touch in the course of this work, it will not be in our power, for this reason among others, to delay upon any single one at much length. Indeed if it were otherwise, if we had time enough and space enough, we should probably find on making the experiment, that a full and perfect exhibition of the evils of war is, from their very intensity and the greatness of their number, wholly beyond our power. And yet we cannot but hope, that the statements which will be made, although necessarily brief, will leave such impressions upon the mind of the reader, as will be favorable to the great object we have in view, the promotion of universal peace.

In the first place, let us consider for a moment the objects, which are presented to our notice on the field of battle. Let us place ourselves on some conspicuous spot in the neighborhood of the place of contest, where we may not only distinctly see what is going on, but may be at liberty to indulge those reflections, which such a scene and situation are calculated to inspire. The first thing, that arrests our attention, is the sudden discovery of large masses of men rapidly assembling together. And as we perceive, that they bear the same image, and know that they come from the hand of the same Creator, we naturally conclude, on every principle of reason and humanity, that they are assembling for no other than just and amicable purposes. But we soon discover to our great surprise, that their meeting and salutations, so far from being of a consultative and friendly character, is violent and threatening, and takes place with every demonstration of hostility, amid the clash of swords and the bristling of bayonets. But man, even when placed in this lamentable position of crime and cruelty, discovers traits of character, which show, that he was formed for better things; great sagacity, promptness in the moment of peril, activity, courage, indomitable perseverance. These traits of character might be applied for great good; but here they are applied, and too dreadfully applied, in accelerating the work of destruction; to smite down the opposing combatant, to tear open the fountains of life, to roll onward the dreadful wave of war. In a few moments after these vast masses are met together, we hear the clash of swords, the roar of cannon, the noise and the confusion, the shout of victory, the groans of the wounded and the dying; but nothing, except some shadowy outlines, is seen. After a while the smoke rolls slowly away; and, in the light of the glaring and sickly sun, we behold the whole plain covered with human bo-

dies; multitudes of them dead, and others in a state of intense suffering from their wounds. And if we undertake to count them, the enumeration only increases that overwhelming sensation, which the mere glance had tended to inspire. On the field of Austerlitz twenty thousand; on the field of Bautzen twenty five thousand; at Dresden thirty thousand; at Waterloo forty thousand; at Eylau fifty thousand; at Borodino eighty thousand.

We do not go back to the dreadful scenes of antiquity, to the days of the Alexanders and the Hannibals and the Cæsars, to the battle fields of Cannæ and Phillippi; but look merely at what has taken place in our own days, and as it were under our own eyes; and what renders it still more surprising, amid the light of civilization and under the blaze of the Gospel. As we cast our eyes over the field of battle, covered with such a multitude of dead and wounded persons, we cannot but be filled with astonishment and horror; especially when we remember, that the combatants are all the dependent and favored children of that great Being, who not only made them, but required them to love one another. Certain it is, that the spectator, as he looks upon the field of battle, has emotions of unmingled surprise and consternation; he feels that a dreadful crime has been committed, the guilt of which rests somewhere; he is stunned and amazed, and hardly knows what character to attach to man, who can permit himself to be engaged in such transactions; and yet it cannot be doubted that the effect of the scene, which is before him, is lessened by its own dimensions, is diminished by its very vastness. The man, who is thinking of the sufferings of forty or fifty thousands, can have no very distinct conceptions of the sufferings of a particular individual in that vast number. If he could take a full and distinct view of the sufferings of each one in that great multitude; if he could see the tears and the

agonies in each particular case; and by some process of intellectual and sentient arithmetic could bring them all into one sum, and place them all before the mind at once, what a vast amount! what unparallelled wretchedness! with what torture would it fill the soul! But this cannot be; the structure of the human mind is such as not to admit of it. And it is for this reason, that we will turn away a moment from the contemplation of the scene in its totality, in its mere general features, for the purpose of seeing it in its parts, its fragments, its particular instances.

There was a certain Captain Cooke in the British army at the battle of New Orleans, who has recently given to the public some interesting incidents, which took place under his own eye in that memorable engagement. And it is *incidents*, the facts in which individuals are concerned, the insulated details of a battle, and not the whole, assimilated and contemplated in one broad mass, which is to give us the precisely true conception of the miseries, which are endured on such occasions. On the morning of the eighth of January the officer above referred to saw three companies of soldiers, about two hundred and forty in number, advancing on the high road to New Orleans, for the purpose of attacking what was called the crescent battery. Among other persons he saw lieutenant Duncan Campbell, with whom he seems to have been particularly acquainted, and asked him where he was going. The lieutenant replied, that he did not know. Then, said Captain Cooke, "you have got into what I call a good thing; the far famed American battery is in front at a short range; and on the left this spot is flanked at eight hundred yards by their batteries on the opposite side of the river." At this piece of information the lieutenant laughed heartily. Captain Cooke advised him to take off his blue pelisse coat, in or-

der to be like the rest of the men; but he promptly refused, uttering at the same time some expressions of defiance against the Americans; and having embraced the captain, went onward. He was a young officer of twenty years of age, of a fine personal appearance, and had fought in many bloody encounters in France and Spain. But what was the fate, which war had reserved for one so young, so interesting in appearance, and towards whom undoubtedly the affections of many friends in a distant land were fondly directed! Near the close of the battle, Lieutenant Duncan Campbell, says the writer, "was seen to our left running about in circles, first staggering one way, then another, and at length he fell on the sod helplessly upon his face, and again tumbled, and when he was picked up, he was found to be blind from the effects of grape shot, that had torn open his forehead, given him a slight wound in the leg, and had also ripped the scabbard from his side, and knocked the cap from his head. While being borne insensible to the rear, he still clenched the hilt of his sword with a convulsive grasp, the blade thereof being broken off close at the hilt with grape shot, and in a state of delirium and suffering he lived for a few days." Here is an incident which may be called a common one; he died much as any other soldier on the field of battle may be supposed to die; but this is the cause of the difference in our feelings; we single him out from the rest of the multitude; we do not mingle and confound and lose sight of his suffering in the vague and indefinite idea of suffering in the mass; and while we are too often unmoved, in consequence of our inability to combine a particular and a general view, by the general statement of thousands having suffered, we at once exclaim, when our eye is fixed on a single case like the one before us, what a shocking death is this! What barbarity there is in war! What insanity in men,

that they should butcher and tear to pieces one another!

"For five hours, (continues the narrative of this officer,) the enemy plied us with grape and round shot; some of the wounded, lying in the mud or on the wet grass, managed to crawl away, but every now and then some unfortunate man was lifted off the ground by round shot, and lay killed or mangled. During the tedious hours we remained in front, it was necessary to lie on the ground to cover ourselves from the projectiles. An officer of our regiment was in a reclining posture, when grape-shot passed through both his knees; at first he sunk back faintly; but at length opening his eyes and looking at his wounds, he said, 'Carry me away, I am *chilled to death;*' and as he was hoisted on men's shoulders, more round and grape shot passed his head. Taking off his cap, he waved it; and after many narrow escapes got out of range, suffered amputation of both legs, but died of his wounds on board ship, after enduring all the pain of the surgical operation, and passing down the lake in an open boat."

There was an individual present at the naval battle of Trafalgar, who relates some things that came under his personal notice. From the account abridged and prepared for the second volume of the Harbinger of Peace, we make the following extract.—"Now that the conflict was over, our kindred feelings resumed their sway. Eager inquiries were expressed, and earnest congratulations exchanged at this moment. The officers came to make their report to the captain, and the fatal result cast a gloom over the scene of our triumph. I have alluded to the impressions of our first Lieutenant, that he should not survive the contest. This gallant officer was severely wounded in the thigh, and underwent amputation; but his prediction was realized; for he expired before the action had ceased. The junior

lieutenant was also mortally wounded on the quarter-deck. These gallant fellows were lying beside each other in the gun room preparatory to their being committed to the deep; and here many met to take a last look of our departed friends, whose remains soon floated in the promiscuous multitude, without distinction either of rank or nation. In the act of launching a poor sailor over the poop he was discovered to breathe; and after being a week in the hospital, the ball which entered the temple came out of his mouth. I notice this occurrence to show the probability, that many are thrown overboard when life is not extinct. The upper deck presented a confused and dreadful appearance. Masts, yards, sails, ropes, and fragments of wreck were scattered in every direction: nothing could be more horrible than the scene of blood and mangled remains with which every part was covered, and which, from the quantity of splinters, resembled a shipwright's yard strewed with gore.

From our extensive loss, thirty-four killed and ninety-six wounded, our cock-pit exhibited a scene of suffering and carnage which rarely occurs. I visited this abode of suffering with the natural impulse which led many others thither, namely, to ascertain the fate of a friend or companion. So many bodies in such a confined place, and under such distressing circumstances, would affect the most obdurate heart: my nerves were but little accustomed to such trials, but even the dangers of the battle did not seem more terrific than the spectacle before me. On a long table lay several anxiously looking for their turn to receive the surgeon's care, yet dreading the fate which he might pronounce. One subject was undergoing amputation, and every part was heaped with sufferers. Their piercing shrieks and expiring groans were echoed through this vault of misery; and even at this distant period the heart-sickening picture is alive in my memory."

History, as it is generally written, is nothing but an outline, a skeleton, a mere *anatomy;* and it gives us scarcely a more perfect idea of the events it undertakes to describe, than the human skeleton does of the symmetry and beauty of the human form. If we wish to go beneath the surface, if we wish to know things as they are, we must look into what are sometimes called the *documents* of history ; private letters, biographical notices, personal memoirs, and incidents, which aspire to no higher honor, than that of being chronicled in a newspaper. A person may read Voltaire's history of Lewis XIV., and yet have but a very feeble conception of the miseries of war ; but not so, when he reads the memoirs of Madame De la Rochejaquelein. The one deals in outlines; it leaves merely a general, and therefore a feeble impression; the other, limited to a single event, gives its minute facts, and we see it distinctly and graphically just as it was ; and what is more, we *feel* it. We could give passages from this little book, but if we made a beginning, we should not know where to end ; and we merely mark it down as a document to be referred to in all times to come, in proof of the inexpressible miseries, which men are bringing upon themselves by resorting to arms.

Of the books with which we are acquainted, one of the best calculated to give an impression of the immediate evils of war distinct and vivid, an impression corresponding in some degree to the reality, is Labaume's Narrative of the campaign in Russia. There were two hundred and sixty thousand soldiers present at the battle of Borodino, nearly all of whom were engaged in it. In the two armies there were two hundred pieces of cannon, and according to some accounts a much greater number, constantly employed ; and forty thousand dragoons, crossing the field in every direction, rode over the

bodies of the lifeless and the wounded, and dyed the hoofs of their horses in human blood. The battle commenced on the 7th of September, at 6 o'clock in the morning, and continued till night. The loss in both armies has been estimated at eighty thousand. Labaume gives an account of what fell under his notice the day after the battle. "In traversing the elevated plain on which we had fought, we were enabled to form an estimate of the immense loss that had been sustained by the Russians. A surface of about nine square miles in extent, was covered with the killed and wounded; with the wreck of arms, lances, helmets, and cuirasses, and with balls as numerous as hail-stones after a violent storm. In many places the bursting of shells had overturned men and horses; and such was the havoc occasioned by repeated discharges, that mountains of dead bodies were raised. But the most dreadful spectacle was the interior of the ravines, where the wounded had instinctively crawled to avoid the shot; here these unfortunate wretches, lying one upon another, destitute of assistance, and weltering in their blood, uttered the most horrid groans. Loudly invoking death, they besought us to put an end to their excruciating torments. As our medical means of relief were insufficient, our fruitless compassion could only lament the calamities inseparable from a war so atrocious."

On his return with the retreating army from Moscow, this writer gives us another glimpse of the same field of battle. "My consternation was at its height on finding, near Borodino, the 20,000 men who had been slaughtered there, lying where they fell. The half-buried carcasses of men and horses covered the plain, intermingled with garments stained with blood, and bones gnawed by the dogs and birds of prey, and with the fragments of arms, drums, helmets, and cuirasses."

"As we were marching over the field of battle, we heard at a distance a pitiable object, who demanded our assistance. Touched by his plaintive cries, many of the soldiers drew near the spot, when, to their great astonishment, they observed a French soldier stretched on the ground, with both his legs broken: 'I was wounded,' said he, 'on the day of the great battle, and finding myself in a lonely place, where I could gain no assistance, I dragged myself to the brink of a rivulet, and have lived near two months on grass and roots, and on some pieces of bread which I found amongst the dead bodies. At night I have lain in the carcasses of dead horses, and with the flesh of these animals have dressed my wounds, as well as with the best medicines. Having observed you at a distance, I collected all my strength, and have advanced sufficiently near to make myself heard.' Whilst we expressed our surprise at the event, a General, who was made acquainted with a case, as singular as it was affecting, ordered him to be placed in his own carriage."*

It is from such circumstantial details as we find in this Account, that we become acquainted with the miseries actually endured by the French in their retreat from Moscow.—"Overwhelmed," says this writer in another place, "by the whirlwinds of snow which assailed him, the soldier could no longer distinguish the main road from the ditches, and often fell into the latter, which served him for a tomb. Others, eager to press forward, dragged themselves along with pain; badly clothed and shod, having nothing to eat or drink, groaning and shiv-

* It appears from Count Segur's History of the Expedition into Russia, Chap. XIII, that the dead of the Russians had either been buried or carried off. The same writer estimates the number of Frenchmen, who were found unburied on the field of Borodino, at thirty thousand.

ering with cold, they gave no assistance, neither shewed any signs of compassion to those who, sinking from weakness, expired around them."

"Many of these miserable creatures, dying from exhaustion, struggled hard in the agonies of death. Some of them in the most affecting manner bade adieu to their brethren and companions in arms; others with their last sigh pronounced the name of their mother, and of the country which gave them birth. The rigour of the cold benumbed their stiffened limbs, and soon reached their vitals. Stretched on the road, we could only see the heaps of snow that covered them, and that formed undulations in our route like those in a grave-yard. Flocks of ravens, abandoning the plains to take shelter in the neighboring woods, croaked ominously as they flew over our heads; and troops of dogs, which had followed us from Moscow, and lived solely on our bloody remains, howled around us, as if desirous of hastening the moment when we were to become their prey."

At the retreat of the French from Liadoui in Lithuania, the town, as seems to have been the common practice in this savage war, was set on fire. "Amongst the burning houses were three large barns filled with poor soldiers, chiefly wounded. They could not escape from two of these, without passing through the one in front, which was on fire; the most active saved themselves by leaping out of the windows, but all those who were sick or crippled, not having strength to move, saw the flames advancing rapidly to devour them. Touched by their shrieks, some, who were least hardened, endeavored in vain to save them: we could only see them half buried under the burning rafters. Through whirlwinds of smoke, they entreated their comrades to shorten their sufferings by depriving them of life, and from motives of humanity, we thought it our duty to comply with their

wishes. As there were some who, notwithstanding, still survived, we heard them with feeble voices crying, '*Fire on us! fire on us! at the head! at the head! do not miss!*' These heart-rending cries did not cease till the whole were consumed."

Before the French had completed the passage of the river Berezina, the Russians made a furious attack upon their rear-guard. "In the heat of the engagement many balls fell on the miserable crowd, that for three days had been pressing round the bridge, and even some shells burst in the midst of them. Terror and despair then took possession of every heart anxious for self-preservation; women and children, who had escaped so many disasters, seemed to have been preserved to experience a death still more deplorable. Leaving their carriages, they ran to embrace the knees of the first person they met, and implored him with tears to take them to the other side. The sick and wounded, seated on the trunk of a tree, or supported on crutches, looked eagerly for some friend that could assist them; but their cries were lost in the air, every one thought only of his own safety."

"On seeing the enemy, those who had not crossed, mingling with the Poles, rushed towards the bridge; artillery, baggage, cavalry, and infantry, all endeavored to pass first. The strong threw into the water the weak, who impeded their advance, and trampled under foot the sick and wounded whom they found in their way. Many hundreds were crushed under the wheels of the artillery: others, who had hoped to save themselves by swimming, were frozen in the river, or perished by slipping from the ice. Thousands and thousands of hopeless victims, notwithstanding these sorrowful examples, threw themselves into the Berezina, where they nearly all perished in convulsions of grief and despair.

"The division of Girard succeeded by force of arms in overcoming all the obstacles that retarded their march, and, scaling the mountain of dead bodies that obstructed the road, gained the opposite shore, where the Russians would soon have followed them if they had not immediately set fire to the bridge.

"Many of those, who were left on the other bank with the prospect of the most horrible death, attempted to cross the bridge through the flames, but midway they threw themselves into the river to avoid being burnt. At length, the Russians having made themeslves masters of the field of battle, our troops retired; the passage of the river ceased, and the most tremendous uproar was succeeded by a death-like silence."

Let those, who have been accustomed to merge the sufferings of individuals in those vague and indefinite views, which we take of suffering when contemplated in the mass, notice the following passage.—"The road was covered with soldiers, who no longer retained the human form, and whom the enemy disdained to take prisoners. Every day furnished scenes too painful to relate. Some had lost their hearing, others their speech, and many, by excessive cold and hunger, were reduced to such a state of stupid phrenzy, that they roasted the dead bodies for food, and even gnawed their own hands and arms. Some, who were too weak to lift a piece of wood, or to roll a stone towards the fire, sat down upon their dead companions, and with an unmoved countenance, gazed upon the burning logs. When they were consumed, these livid spectres, unable to get up, fell by those on whom they had been seated. Many, in a state of mental alienation, in order to warm themselves, plunged their bare feet into the fire; some, with a convulsive laugh, threw themselves into the flames, and uttering shocking cries, perished in the most horrible

contortions; others, in a state of equal madness, followed their example, and shared the same fate!"

But some will say perhaps, that these battles and this retreat were extraordinary, out of the common course, something unheard of before; and that they give an exaggerated and erroneous idea of the miseries attendant upon war. But so far as we are able to learn, this suggestion does not appear to be sustained by the facts of history. From the earliest periods of the human race there have been wars and series of wars, continued for years and almost for generations, that have been marked from beginning to end with inexpressible sufferings and with the most dreadful atrocities; such as the second Punic war, the war which terminated in the destruction of Jerusalem, the recent war of the Greek Revolution, the wars civil and foreign of the French Revolution, the recent wars in Spanish South America, some of the wars between Russia and Turkey and Russia and Poland, the early Revolutionary wars of the Dutch Republic, the wars of the invasion of Spain by Bonaparte, the so called Thirty Year's War, which involved almost all Europe, and was signalized by the death of Gustavus Adolphus. In the dreadful war last mentioned, the city of Magdeburg in Prussia was taken by assault by the imperial commander, Count de Tilly. And here are some of the results. "Before noon, all the works were carried, and the town was in the hands of the enemy. Two gates were now opened by the besiegers for the entrance of the army, and Tilly marched part of his infantry into the town. He immediately occupied the principal streets, and, with pointed cannon, drove the citizens into their dwellings, there to await their destiny. They were not long held in suspense; a word from Tilly decided the fate of Magdeburg.

"Even a more humane general would have vainly

attempted to restrain such soldiers; but Tilly never once made the attempt. The silence of their general left the soldiery masters of the lives of the citizens, and they broke, without restraint, into the houses to gratify every brutal appetite. The prayers of innocence excited some compassion in the hearts of the Germans, but none in the rude breasts of Pappenheim's Walloons. Scarcely had the massacre commenced, when the other gates were thrown open, and the cavalry, with the fearful hordes of the Croats, poured in upon the devoted town.

"And now began a scene of carnage, which history has no language, poetry no pencil to pourtray. Neither the innocence of childhood, nor the helplessness of old age; neither youth, sex, rank, nor beauty, could disarm the fury of the conquerors. Wives were dishonored in the arms of their husbands, daughters at the feet of their parents; and the defenceless sex exposed to the double sacrifice of virtue and life. No condition, however obscure, or however sacred, could afford protection from the rapacity of the enemy. 'Fifty-three women were found beheaded in a single church. The Croats amused themselves with throwing children into the flames; Pappenheim's Walloons with stabbing infants at their mothers' breast. Some officers of the League, horror struck at this dreadful scene, ventured to remind Tilly that he had it in his power to stop the carnage. 'Return in an hour,' was his answer, 'and I shall see what is to be done; the soldier must have some recompense for his danger and toils.' These horrors lasted without abatement, till at last the smoke and flames stopped the course of the plunderers. To increase the confusion, and break the resistance of the inhabitants, the Imperialists had, in the commencement of the assault, fired the town in several places. A tempest now arose, which spread the flames with frightful rapidity through

the town, till the blaze became universal. The confusion was deepened by the clouds of smoke, the heaps of dead bodies that strewed the ground, the clash of swords, the crash of falling ruins, and the streams of blood which ran along the streets. The atmosphere glowed; and the intolerable heat at last compelled even the murderers to take refuge in their camp. In less than twelve hours, this strong, populous, and flourishing city, one of the finest in Germany, was a heap of ashes, with the exception of two churches and a few houses. The Administrator, Christian William, after receiving several wounds, was taken prisoner, with three of the Burgomasters; most of the officers and magistrates had already met an enviable death. The avarice of the officers had saved four hundred of the richest citizens from death, in the hope of extorting from them an exorbitant ransom. This piece of humanity was owing principally to the officers of the League; and even this questionable clemency, when contrasted with the blind and ruthless butchery of the Austrians, made them be regarded as guardian angels by the citizens.

"Scarcely had the flames abated, when the Imperial soldiers returned to satiate anew their rage for plunder amidst the ruins and ashes of the town. Many were suffocated by the smoke; many found rich booty in the cellars, where the citizens had concealed their valuable effects. On the 13th of May, Tilly himself appeared in the town, after the streets had been cleared of ashes and corpses. Horrible and revolting to humanity was the scene that presented itself. The living crawling from under the dead, children wandering about with heart-rending cries, seeking their parents; and infants still sucking the dead bodies of their mothers. More than five thousand bodies were thrown into the Elbe, to clear the streets; a much greater number had been

consumed by the flames.—The entire amount of the slaughter was calculated at thirty thousand."*

It has been our object, in the extracts which have been made, not only to give a general idea of the miseries of war, but in particular to free the mind from that illusion, to which it is so liable to be subject, when it contemplates things in the mass, and is either too indolent or too little interested, to look into their elements. Well does the author of Recollections of the Peninsula say, "when the history of any individual, who has fallen, is brought before us, we feel deeply, but wander over ground, covered with corpses about whom we know nothing, with comparative indifference; yet if we knew the history attached to each lifeless body, on which we gazed, with what tales of sorrow should we not become acquainted!" In this very writer, who was himself an officer in the English army of the Peninsula, and who seems to have been sufficiently partial to a soldier's life, we have a number of affecting instances fully illustrative of this just remark. What recompense had the pomp and splendour of military life to that wretched captain of the 29th regiment, who, dreadfully lacerated by a ball, lay directly in the path of his comrades, and with a heart-rending accent of grief, cried for water, or that they would kill him; but no one regarded his request! What consolation had the glitter of an epaulette and the sound of the spirit-stirring fife for that mangled and lifeless youth, not yet eighteen years of age, the darling child of a fond mother, who mourned in brokenness of heart on the banks of the murmuring and peaceful Loire! What balm was it in the power of earth to furnish to that miserable man, who, coming upon the field of Victoria and inquiring for his two sons, the only remains of his beloved family, found them both dead! Who can

*Harbinger of Peace, Volume I, Page 234.

CHAPTER SECOND.

INFLUENCE OF WAR ON DOMESTIC LIFE.

In exhibiting the evils of war, more attention has generally been paid to the immediate horrors of the battle field, than to the less marked and more remote evils, which have been felt from this source in domestic life. So many attractions, addressed both to the sight and the imagination, throng around the memorable spot, where large armies meet and engage in battle, that, notwithstanding the inexpressible horrors of such a scene, men seldom turn away to contemplate the insulated objects of interest, scattered here and there in the distance. How many have dwelt with excited imaginations, and with a sincere feeling of deep commiseration, on the carnage of Austerlitz and Waterloo, to whom it has never occurred to turn to the distracted sister, mourning in her distant home over her fallen brother; or to the mother weeping in solitude over her beloved son; or to the wife, lamenting with inexpressible grief, the untimely death of her husband! We propose, therefore, in the remarks which we are to follow in this chapter to indicate some of the unpropitious bearings of War on domestic life.

And in doing this it is hardly necessary to remark, that in domestic life we are to look for a large share of what yet remains of earthly quiet and happiness.—The philanthropist and the Christian find much in the present

state of things to perplex their faith, to create doubt, and to fill them with despondency; but when they turn their eyes to the domestic circle, especially when it is blessed with the presence of the serious and benign spirit of religion, they gladly acknowledge, that there is one bright and illuminated spot in the surrounding darkness. But the horrors of war, dreadful and intense as they are on the field of battle, are experienced, with less display indeed but with still greater intensity, in these distant abodes of peace and happiness. The soldier dies upon the field of battle; and however great may be the anguish he experiences, it is generally soon over; but the desolate hearts of his parents, and of his wife and children, are filled with sorrow and hopelessness and lamentation for years. But these things are not made matters of history; in the emblazonment of the achievements of the battle field they are entirely passed over and forgotten; it seems to be no part of the business either of the ephemeral gazette, or of the more serious and permanent page of history, to keep a record of tears shed in private and of hearts that are bleeding and broken in retirement. But they ought never to be forgotten by the philanthropist, the Christian, the friend of the human species. That the piercing and overwhelming evils, which are now referred to, are not imaginary, every child and parent, every one, who sustains the various domestic relations, has the testimony in himself, in the instinctive suggestions of his own bosom, whether he has actually experienced the evils in his own person or not. In the time of the American Revolution, a young gentleman by the name of Asgill, a captain in the English service, though only nineteen years of age, was selected by lot, by the Americans to whom he had fallen prisoner, to be put to death in retaliation for some atrocities committed by the enemy. When the news reach-

ed England, his mother, Lady Asgill, with her whole family, was thrown into the deepest distress and sorrow. In her inexpressible affliction she had recourse to the sovereigns of France, through the medium of the minister Count de Vergennes, although France was at that time at war with England. If any one wishes to know, where the miseries of war are most truly and deeply felt, let him read the following extract from one of her letters to the French minister.—"My son, my only son, dear to me as he is brave, amiable as he is beloved, only nineteen years of age, a prisoner of war in consequence of the capitulation of Yorktown, is at present confined in America as an object of reprisal. Shall the innocent share the fate of the guilty? Figure to yourself, sir, the situation of a family in these circumstances. Surrounded as I am with objects of distress, bowed down by fear and grief, words are wanting to express what I feel, and to paint such a scene of misery; my husband, given over by the physicians some hours before the arrival of the news, not in a condition to be informed of it; my daughter attacked by a fever, accompanied with delirium; speaking of her brother in tones of wildness, and without an interval of reason, unless it be to listen to some circumstances to console her heart. Let your sensibility, sir, paint to you my profound, my inexpressible misery, and plead in my favor; a word, a word from you, like a voice from heaven, would liberate us from desolation, from the last degree of misfortune." *

Such are the deep pangs implanted in the heart of an accomplished lady by the occurrences of war. In consequence of her education and her distinguished situation in life, they have excited an interest in the public, and have become a portion of history. But there are multi-

* Thatcher's Military Journal during the American Revolutionary War, Page 308.

tudes of other mothers and other sisters, whose sorrows have been as deeply felt and as sincerely lamented; but whose griefs have never reached the public ear. Dark and withering as they were, they have been known only to their own bosoms or to the small circle immediately around them; too secluded for general sympathy, though not unseen by that God, who has made of one blood all the nations of the earth, and who commands us to love our neighbor as ourselves.

In recently looking over Godwin's History of the Commonwealth of England, we were struck with an incident, which seemed to us to be strikingly illustrative of the disastrous bearings of war on the hopes and happiness of domestic life. The marquis of Vaydes was a distinguished Spanish nobleman, who had resided twenty-three years in America; having been nine years governor of Chili, and fourteen years viceroy of Peru. Having accumulated an ample fortune, he was now returning to enjoy his riches and honors in his native land; animated doubtless with all those fond anticipations of happiness, which are so apt to inspire one who has been many years absent from the home of his ancestors and of his childhood. He had in the vessel with him, his wife, and seven children; the eldest, a daughter, contracted to the son of the duke of Medina Celi, and the youngest not more than a year old. It is not easy to conceive what delightful and transporting emotions swelled the bosoms of this prosperous and happy family, as they rapidly approached the shores of their beloved Spain, where all their hopes were centered and all their blissful visions were soon to be realized. But they were sadly disappointed; an unhappy and unnecessary war was then in progress between Spain and England; and the vessel of the marquis was attacked and taken. During the battle, which was severe, and in which this vessel alone

lost an hundred and ten men, she took fire. The wife and eldest daughter of Vaydes fell into a swoon, and, together with one of the sons, perished in the flames. The unhappy father had an opportunity to escape; but overcome with feelings of despair at the horrid fate of his beloved wife and children, he voluntarily plunged into the flames and died with them.*—We leave this affecting incident, (only one among a thousand others of a scarcely less marked and distressing nature, to be found in the annals of war,) to the reflections of the serious and benevolent reader. Is it possible for any one to reflect upon this dreadful catastrophe, either in its relation to the parents and children who died in this unexpected and horrid manner, or in relation to the poor orphan children who survived, without feelings of the deepest compassion? Can the father and mother, as they behold around them their smiling offspring, dear to them as their own life, think of this dreadful scene without profound and overwhelming sensations of grief and horror?

We take the liberty to introduce another affecting incident, tending to illustrate our subject. Among the distinguished men who fell victims in the war of the American Revolution, was Colonel Isaac Hayne, of South Carolina; a man, who, by his amiability of character and high sentiments of honor and uprightness, had secured the good will and affection of all who knew him. He had a wife and six small children, the eldest a boy thirteen years of age. His wife, to whom he was tenderly attached, fell a victim of disease; an event, hastened not improbably by the inconveniences and sufferings incident to a state of war, in which the whole family largely participated. Colonel Hayne himself was taken prisoner by the English forces, and in a short time was executed on the gallows, under circumstances calculated

*Godwin's History of the English Commonwealth, Bk. IV. chap. 19.

to excite the deepest commiseration. A great number of persons, both Englishmen and Americans, interceded for his life; the ladies of Charleston signed a petition in his behalf; his motherless children were presented on their bended knees as humble suitors for their beloved father; but all in vain. During the imprisonment of the father, his eldest son was permitted to stay with him in the prison. Beholding his only surviving parent, for whom he felt the deepest affection, loaded with irons and condemned to die, he was overwhelmed with consternation and sorrow. The wretched father endeavored to console him, by reminding him, that the unavailing grief of his son tended only to increase his own misery, that we came into this world merely to prepare for a better, that he was himself prepared to die, and could even rejoice, that his troubles were so near an end. 'To-morrow,' said he, 'I set out for immortality; you will accompany me to the place of my execution; and when I am dead, take my body and bury it by the side of your mother.' The youth here fell on his father's neck, crying, 'Oh, my father, my father, I will die with you! I will die with you!' Colonel Hayne, as he was loaded with irons, was unable to return the embrace of his son, and merely said to him in reply, 'Live, my son, live to honor God by a good life; live to serve your country; and live to take care of your brother and little sisters.' The next morning, proceeds the narrative of these distressing events, Colonel Hayne was conducted to the place of execution. His son accompanied him. Soon as they came in sight of the gallows, the father strengthened himself and said; 'Now my son, show yourself a man! That tree is the boundary of my life, and of all my life's sorrows. Beyond that the wicked cease from troubling and the weary are at rest. Don't lay too much at heart our separation; it will be short. 'Twas

but lately your dear mother died. To-day I die. And you, my son, though but young, must shortly follow us. 'Yes, my father,' replied the broken hearted youth, 'I shall shortly follow you, for indeed I feel that I cannot live long.' And his melancholy anticipation was fulfilled in a manner more dreadful than is implied in the mere extinction of life. On seeing his father in the hands of the executioner, and then struggling in the halter, he stood like one transfixed and motionless with horror. Till then, proceeds the narration, he had wept incessantly; but soon as he saw that sight, the fountain of his tears was staunched, and he never wept more. He died insane; and in his last moments often called on his father, in terms that brought tears from the hardest hearts.*

We ask the favor of the reader's attention to one melancholy instance more.—Near the close of the last Century there was a family in France; their name and place of residence are not given by the narrator; but this the reader may be assured of, that the members of the family, as is the case generally, were tenderly attached to each other. Under the system of Conscription, which has so long prevailed in France, two brothers of this family were required to leave their home, and enter the army. They had joined the army but a short time, when they were called into action. In the heat of the engagement, one of these young men was killed by a musket ball, as he stood by the side of his brother. "The survivor, petrified with horror, was struck motionless at the sight. Some days afterwards he was sent in a state of complete idiotism to his father's house. His arrival produced a similar impression upon a third son of the same family. The news of the death of one of the brothers, and the derangement of the other, threw this third victim into a state of such consternation and stupor,

*Life of Marion, as quoted in Thatcher's Military Journal, p. 208.

as might have defied the powers of ancient or modern poetry to give an adequate representation of it. My sympathetic feelings, (says M. Pinel, who at that time had charge of the Bicetre Hospital and has given the account,) have been frequently arrested by the sad wreck of humanity, presented in the appearance of these degraded beings ; but it was a scene truly heart-rending to see the wretched father come to weep over these miserable remains of his once enviable family."

Such instances as have now been given, show us how exceedingly those are mistaken, who imagine that the horrors of war are chiefly limited to the person of the soldier, and the boundaries of the battle-field. Happy would it be if such were the case. We might indeed consider ourselves as having great occasion to rejoice, if it could be satisfactorily shown that none but the poor soldiers with their mangled limbs and dying agonies are doomed to suffer in consequence of wars. But the soldier, vicious and degraded as he too often is, has yet his friends and relatives, who have watched over him and perhaps prayed over him, with the deepest affection and solicitude ; some father, grey-headed and bowed down with years, some mother, in whose withered and decrepid form the passion of maternal love still glows with its inherent intensity : some sister, who, amid the distressing perplexities and contumelies of life, consoles herself with the recollection, that there is one, who, although less worthy than he ought to be, she can still call a brother. But the news comes suddenly from the field of battle, that he has fallen, that his manly form has been torn and crushed by the instruments of death, and that they have a son and a brother no longer. Then indeed is it true, that grey hairs are brought down with sorrow to the grave. But how much greater is their grief, when the victim of war, whose death they lament,

was adorned not only with the graces of form, but with every quality that is kind and amiable; with every trait that is pure, virtuous, and ennobling. Many are the individuals, doomed to fall on the fields of battle, over whose accomplishments and virtues, rival nations, that could agree in nothing else, have united in shedding the tear of heart-felt sorrow. But what can be their grief, who have beheld the lustre of those accomplishments and virtues only in the dim distance, compared with the sorrow of those near friends and relatives, in whose arms they first budded into life, and on whose bosoms they have shone from infancy!—Writers have from time to time given us the statistics of armies; it would perhaps be no difficult task for them to furnish the statistics of battle-fields, prison-ships, and military hospitals; but who is able, except that God without whom not even a sparrow falls, to give the statistics of the sighs and tears, the groans and the broken hearts of wretched parents, of mourning brothers and sisters, of desolate widows and orphans! We close this article by giving an extract from Grahame's British Georgics. Poets have often done injury by clothing the pomp and the heroic achievements of war in the enchantments of verse, and thereby encouraging a military spirit; happy will it be, when their lyre, so full of delight, and so potent in its influence, shall be attuned to the celebration of the arts of benevolence and peace; and happier will it be than it now is, when, as in the present instance, they paint the sufferings and blighting influence, rather than the factitious charms and glories of international strife.

"Once I beheld a captive, whom the wars
Had made an inmate of the prison-house,
Cheering with wicker work, (that almost seemed
To him a sort of play,) his dreary hours.
I asked his story. In my native tongue,

(Long use had made it easy as his own,)
He answered thus. Before these wars began,
I dwelt upon the willowy banks of Loire.
I married one, who from my boyish days
Had been my playmate. One morn, I'll ne'er forget,
While choosing out the fairest little twigs,
To warp a cradle for our child unborn,
We heard the tidings, that the Conscript-lot
Had fallen on me. It came like a death-knell.
The mother perished; but the babe survived;
And, ere my parting day, his rocking couch
I made complete, and saw him sleeping smile—
The smile that played erst on the cheek of her,
Who lay clay clod. Alas! the hour soon came,
That forced my fettered arms to quit my child.
And whether now he lives to deck with flowers
The sod upon his mother's grave, or lies
Beneath it by her side, I ne'er could learn.
I think he's gone; and now I only wish
For liberty and home, that I may see,
And stretch myself, and die upon the grave."

CHAPTER THIRD.

INFLUENCE OF WAR ON THE MORALS OF SOLDIERS.

THE evils of war, in almost every possible point of view, have been pointed out. One form of those evils, however, has not arrested that attention, to which it seems to be justly entitled; we refer to the influence of war on the moral and religious character of the soldiers themselves. It is not necessary to assert, that the evil, which is now referred to, is one of the greatest resulting from a state of war; but it is certainly an evil so consid-

erable as richly to deserve the notice of the philanthropist. In making this remark, we do not permit ourselves to forget, that the moral and religious improvement of the human race is one of the greatest objects, to which the attention of mankind can be directed. Certainly, when we consider, that this object was one of the most effective in bringing the Son of God down from heaven, this statement will not be likely to be regarded as an exaggerated one. And can it be pretended, that the moral and religious improvement of the soldier is less important than that of other men? On the supposition, therefore, that the moral and religious interests of the soldier are not less real and urgent than those of other classes of persons, we are prepared to enter into an examination of the circumstances, in which he is placed, considered in their bearing upon moral and religious character. And accordingly we do not hesitate to assert, that the life of a soldier is decidedly adverse to sound morals and particularly to religion.

In proof of this assertion we might rely, without going into particulars, on the *prima facie* evidence, which is every where presented. Who has ever supposed, or believed, that large armies were remarkable for the purity and strictness of their morals? Who has ever heard, with some rare and marked exceptions, of special attention to religion in the military encampment? Undoubtedly there have been at various times some distinguished soldiers, who have been men of religion. Such seems to have been the character of Col. Gardiner, who was killed at the battle of Preston Pans. And such probably was the character of many of the soldiers and officers, (among others, Fleetwood, Harrison, Goffe, Whalley, and perhaps Cromwell himself,) who bore a conspicuous part in the great English Revolution of 1640. It is almost literally true, that the soldiers on the Parliament

or Commonwealth side fought and prayed at the same time, with the sword in one hand and the Bible in the other. It is a fact, probably without a parallel in the history of war, that early in the contest an attempt was made to raise some new regiments for the Parliament's army, to be composed chiefly of truly religious men. This was done at the suggestion of Cromwell, who, as he held at that time a subordinate military station, proposed the measure to the celebrated Hampden. The latter at first thought the plan impracticable, but still seems to have carried it into effect by means of Cromwell's assistance. Cromwell says, that when he first went into engagement, he saw his men beaten on every side; but afterwards, when he had "raised such men as had the fear of God before them and made conscience of what they did," he was always successful against the enemy.* But these are obviously rare instances, and are justly to be regarded as exceptions to the general statement. As a general thing, it is true beyond all question, that among soldiers, particularly in large armies, there is a deplorable laxity both of moral and religious principle and feeling. But it is certainly a reasonable conclusion, that such a state of things could not so generally exist, unless there were something in the very situation of a soldier, which is opposite and *fatally* opposite to the cultivation of principles and feelings of this kind.

But without resting satisfied with this general statement, it is proper to enter into the examination of some particulars. And in the first place, the soldier is removed from those many favorable and powerful influences, which result from domestic life and from the general relations of society. The young man, who remains at home beneath his father's roof, surrounded by his relatives and friends, is encircled on all sides by chords, in-

* Godwin's History of the Commonwealth of England, Bk. IV. Chap. 2d.

visible indeed to the eye, and so light in their pressure as to be scarcely perceptible, which have an immense power in restraining the ebullitions of the passions and improprieties of conduct. He knows, that the ever watchful and affectionate eye of his father and mother is upon him; he knows that a sister's love is feelingly and deeply alive to every thing he says and does; he knows that his numerous relatives and friends, whom he meets at almost every hour of the day, have an interest in his deportment and character, which he cannot disregard, without a violation of every sentiment of honor and benevolence. The influence from these sources is far stronger than is sometimes imagined; and we should hardly go too far in saying, that it constitutes one of the greatest sureties and supports of civil government. But the soldier is removed, in a great measure at least, beyond the reach of this propitious control. Separated from his home, and from all those restraining and regulative influences, of which home is the great centre and source, he finds himself in a situation, where he can indulge his passions without being subject to any observation of which he stands in awe, and give loose to improprieties of deportment, without so clearly perceiving and feeling, that he himself is dishonored, and that his dearest friends are injured by it. He is transplanted from a scene and a situation, where every thing is rendered sacred by domestic affection, and oftentimes by the observances and benign spirit of religion, to a soil and atmosphere, that give birth and nourishment to every thing noxious and pestilential. No father's warning voice checks him in his mad career; no mother's tear gives strength to the suggestions of virtue; no brother's or sister's hand compulsively yet kindly withholds him from the haunts of dissipation and vice; but on the contrary he finds himself launched suddenly on the great

ocean of temptation and vice, under a full press of sail, and left at the entire mercy of the winds and waves.

But the soldier is not only removed from those influences of domestic life, so favorable to a course of virtue; but is placed directly under the pressure of other influences of a wholly opposite character, tending directly to vice. In other words, he is surrounded by men, whose character is essentially vicious, and constantly breathes the deleterious atmosphere of their example and advice. It is a just remark of Dr. Doddridge in respect to the military life, "the temptations are so many, that it may seem no inconsiderable praise and felicity to be free from dissolute vice, and to retain what in other professions might be regarded a mediocrity of virtue."* It is not our object to go into the particulars of those vices, which are undoubtedly prevalent, in a very high degree, in all armies. It is sufficient for our purpose merely to allude to them. Among other vices, which display themselves openly and are constantly disseminating their pernicious contagion, are intemperance, profanity, gambling, sabbath-breaking, &c. which of themselves, without being accompanied by others of so depraved and impure a nature as hardly to admit of being named, are enough to corrupt and ruin any body of men. A young man is taken from the bosom of a family, where he had been accustomed to hear the name of God mentioned with reverence, where the Sabbath had been seriously and scrupulously regarded, and where every thing around him had breathed of uprightness and purity, and is plunged at once in this sea of sin. And can we expect, that he will remain there, without deep and dreadful contamination? We do not say, that it is absolutely impossible. But can we rationally expect it? His ear becomes habituated to profaneness; the Sabbath's light,

*Doddridge's Remarkable Passages in the Life of Colonel James Gardiner.

that once had a degree of sacredness, has ceased to bring its customary stillness and its solemnity and its religious instructions; every thing around him invites to the prostitution of his faculties and to vicious indulgences; and after some feeble efforts to sustain a propriety and decency of character, he falls the ruined victim of the pernicious influences, under which he is placed.

Furthermore, there is something in the very nature of a military life, even if all the concomitant influences were unexceptionable, which tends to moral evil.—Even if it could be shown, that war is in some cases justifiable and right, (a matter upon which we do not here propose to express an opinion,) it would still remain true, that the military life has, in itself considered, a pernicious tendency. The appropriate business of the soldier is bloodshed, the taking away of human life. But this sanguinary business, whatever plausible reasons may sometimes be brought forward to justify it, jars violently upon all the finer feelings and susceptibilities of our nature. If a person can be made to feel, that it is right to cut down his fellow-man, to mar and destroy that image which God alone could make, he will be in a fair way to believe that any thing and every thing whatever may be either right or wrong; in other words, to believe that the doctrine of moral distinctions is altogether unfounded and false. But the fact is, that a large proportion of the soldiers, perhaps nine tenths of them, never form an opinion, founded on a careful and candid examination of all the facts in the case, of the justice or injustice of the war, in which they are engaged. They slay their fellow-men, without having formed any deliberate opinion whether the action in that particular case is right or wrong.—They imbrue their hands in blood with much the same carelessness and indifference, with which a butcher sheds the blood of an ox or a lamb. To a large

portion of the soldiers it is butchery, and nothing but butchery; and from their inability to inquire into the full merits of the war, must necessarily be so. Military life, therefore, when we properly analyze it, becomes to the common soldier the mere dreadful business of the *butchery* of human beings; nothing more and nothing less. Now we assert, that this business, so abhorrent to all the kindly feelings of our nature, necessarily tends to undermine the moral character. It requires no remarkable clearness of perception to see, that the butchery, the putting to death of our fellow beings in the way which has been mentioned, will fill the mind with a sort of instinctive abhorrence. No soldier, who fights without having satisfied himself of the entire rectitude of his cause, (a state of things which as we have seen is for the most part wholly out of the question,) slays another in battle for the first, second, or third time, without hearing a warning voice within him, which denounces it as a deed of murder. Nature will be found to assert her rights, even in the bosom of military men. She will not fail to speak, and to speak in such a manner as to make herself heard; but her remonstrances will be in vain; the subject of them will at once place himself in the attitude of resistance; the pressure of his situation will compel him to harden himself against the calls of sympathy and of moral right; and, although they are heeded for a time, as they must necessarily be, they are ultimately silenced. This is the natural, and we may add, the *inevitable* course of things. The life of a soldier is necessarily a continued and rapid process of moral induration; so much so that not unfrequently he, who went forth from his father's home a human being, endued with human feelings, returns with the guilt and cruelty and stupidity and hardness of a monster. It is not our intention here, nor in any part of this work, to make statements at

hzaard, nor to assert any thing, which is not abundantly warranted by the facts of history. In the wars of Vespasian, "a common soldier, says Tacitus, belonging to the cavalry, averred, that, in the late engagement, he killed his brother, and for that deed of horror he had the hardiness *to demand a recompense.*" In the same civil wars, Julius Mansuetus, a member of the legion RAPAX, (a significant and appropriate name for a Roman legion,) was slain in battle by his own son. The son, who was yet young and in whom the process of moral hardening had not reached the highest point, was sensibly affected on the discovery of what he had done. He opened a grave, and with filial affection raising the body in his arms, buried it. But what is the commentary of Tacitus on this event? "This pathetic scene did not escape observation. A few drew near, others were attracted, and in a short time the fatal deed was known throughout the army. The soldiers heaved a sigh, and with curses execrated the frantic rage of civil discord. And yet with those sentiments, they *went the next moment to plunder their slaughtered friends, their relations, and brothers. They called it a crime, and yet repeated what their hearts condemned.*" Time will not permit us to multiply instances; but we appeal to those, to whom the history of wars, particularly of civil wars, is familiar, and we assert without the fear of contradiction, that the military life is not capable of being sustained, on the part of the great body of soldiers, without a prostration, to a very considerable extent, of the great elements of our moral nature. And under these circumstances it would certainly be in vain to expect from them any marked regard for religion.

In addition to all that has been said, we proceed to remark further, that soldiers are left destitute, in a great degree, of that moral and religious instruction, which is so necessary to the full developement of man's moral and

religious character. It is true, that chaplains are sometimes provided for regiments and garrisons; but this is done only to a small extent. Of the chaplains actually employed, whether more or less in number, is it uncharitable to assert, that there is a large proportion, who are not imbued with that decisive and deep religious feeling, which is requisite to the successful discharge of the duties of that office? The fact is, that men deeply imbued with the spirit of religion and filled with earnest desire to win souls to the Savior, are exceedingly unwilling to place themselves in a situation, where there is so little prospect of doing good. They know that the influences of military life are in themselves positively and powerfully adverse to impressions and influences of a moral and religious kind. Even admitting the lawfulness of their calling, which is very questionable as we shall hereafter have occasion to see, still they find their minds burdened and almost entirely prostrated, as to all effective effort, by the oppressive conviction, that they are casting pearls before swine; that their admonitions are like water spilt upon the ground, that will never be gathered up.

What, then, viewing the subject in all its bearings, must be the moral and religious prospects of a man, who enters upon a course of military life?—Can any situation, in a Christian land, be more unfavorable to the existence and growth of those moral and religious principles and habits, which are requisite to the perfection of our nature in this life, as well as to the happiness of the life to come? Is it not almost certain, that, under the constant and deplorable pressure of such a multitude of adverse circumstances, the great body of the soldiery in every country will become vicious in principle and practice; and that, even after their return from the military ranks, they will be utterly lost to their friends and society, as well as to themselves? And are we permitted,

as men and as Christians, wholly to disregard this melancholy state of things? While we are doing something for the slave and the prisoner and the benighted heathen, shall we turn no eye of sympathy towards the moral condition of the soldier?

But it will be said perhaps, that the evil now complained of is and must be small, inasmuch as soldiers make but a small portion of the whole community? This suggestion, if properly followed out, will show the magnitude, rather than the smallness of the evil. Even at this moment of comparative peace and quietude in the civilized world, what immense armies are kept on foot! The standing army of Russia may, without any exaggeration, be estimated at 700, 000 men, and it has sometimes been placed as high as a million. The standing army of France may be estimated at a number, varying from 350 to 400,000. The number of the effective men of the standing army of Spain is given by Malte Brun at 50-000; but he adds, if the invalids, pensioners, and men on the sick list be included, the whole number may amount to 120, 000. The army of Great Britain is 100, 000 in time of peace; increased to 300, 000 in time of war. According to Weimar's Statistical Almanack for 1830, the standing armies of all the European States in war, (and it is to be recollected that either actual war, or a careful and ample preparation for it, is the ordinary condition of the European States,) is 4,578,430.—And will any one say that the moral and religious interests of so vast a body of men is a concern too small to occupy the notice and to elicit the benevolence of the philanthropist? Let us remember, that the soldier, corrupted as he is by immoralities, and stained by crime, is still a human being, that he has an immortal soul, that he has vast interests at stake, that he is subject, in common with others, to the great destinies of our race. Let us

not turn from him with unmixed scorn and reproach, and haughtily leave him to his fate; but let us feel for him, and act for him, and pray for him, as for a brother.

We are aware that this view of the subject may not be so attractive as that which deals more in the horrible. It is certainly less exciting to the imagination; but we may well doubt, whether it is less important. At any rate it is a view which, in making an estimate of the great mass of evils attendant upon war, ought not to be overlooked, as has too often been the case.

CHAPTER FOURTH.

INFLUENCE OF WAR ON NATIONAL PROSPERITY.

In endeavoring to give some idea of the evils of war, we do not feel at liberty to let pass unnoticed its injurious effects on the national wealth and prosperity.—— Wars tend not only to deprave the national morals; but to diminish the national resources. The supplies in the hands of the sovereign are at such times rapidly consumed; and hence it is necessary that constant drafts should be made upon the people; and those, who would otherwise possess a competency, are often reduced to great want and suffering.

It is probably true, and we would not be understood to deny it, that some men are made rich by war. And this in a great degree accounts for it, that in seasons of war there are always some persons and classes of persons, from whom larger and more generous views would be naturally expected, who are opposers to the return of peace. Mr. Jay, who was sent as Envoy to England in

1794, states in his Miscellaneous Correspondence, that he was invited to partake of a public dinner, in company with about two hundred British merchants, who were concerned in the American trade. Towards the conclusion of the feast, being asked for a toast, he proposed what he considered a neutral one, as follows; *A safe and honourable peace to all the belligerent powers*; referring probably in particular to the war then raging between France and England. "You cannot conceive, he remarks to his correspondent, how coldly it was received, and though civility induced them to give it three cheers, yet they were so faint and single, as most decidedly to show that peace was not the thing they wished. They were *merchants*." There are always such men to be found in time of war, some classes of merchants, some manufacturers, some speculators in the public funds, some agents engaged in furnishing the military supplies, with whom the war may be supposed to be popular, because, such is their peculiar situation they happen to be made rich by it; men, who, in the language of Johnson, "rejoice, when obstinacy or ambition adds another year to slaughter and devastation; and laugh from their desks at bravery and science, while they are adding figure to figure, cypher to cypher, hoping for a new contract from a new armament and computing the profits of a siege or tempest." But these persons are so few in number, scarcely one in a thousand of the whole population, that they are hardly to be thought of. We must look at the majority of the people, at the great mass; and not at a few grasping individuals, whose interests happen to lay in a different direction from that of the great body. And accordingly we may assert with entire confidence, with the unimportant exception just referred to, that war cannot exist for any length of time, without certainly and rapidly bringing upon the nation engaged in it the deepest poverty and suffering.

In the FIRST place, the expense of supporting armies and navies is immensely great.——M. Thiers, recently a distinguished member of the French Chamber of Deputies, estimates the annual expense of each soldier in France at 733 francs or 131 dollars, of each soldier in Austria at 653 francs or 117 dollars, of each soldier in Prussia at 1000 francs or 180 dollars. The expense of maintaining each English soldier he estimates much higher, than the expense of an Austrian, Prussian, or French soldier. And whether it be owing to this circumstance or not, it seems to be the fact, that, while other nations are greatly burdened and depressed by the expenses incident to the maintenance of large armies, England is burdened and borne down in a still greater degree. Some years since a statement was made in the London Weekly Review, of the wars, in which England has been engaged and of the expenses incurred in consequence of them, which is worthy of particular attention. ——"Of 127 years, terminating in 1815, England spent 65 in war and 62 in peace. The war of 1688, after lasting nine years, and raising our expenditure in that period to thirty-six millions, was ended by the treaty of Ryswick in 1697. Then came the war of the Spanish succession, which began in 1702, concluded in 1713, and absorbed sixty-two and a half millions of our money. Next was the Spanish war of 1739, settled finally at Aix-la-Chapelle in 1748, after costing us nearly fifty-four millions. Then came the Seven Years' War of 1756, which terminated with the treaty of Paris in 1763, in the course of which we spent one hundred and twelve millions. The next was the American War of 1775, which lasted eight years. Our national expenditure in this time was 136 millions. The French Revolutionary War began in 1793, lasted nine years, and exhibited an expenditure of 464 millions. The war against Bonaparte began in 1803

and ended in 1815. During those twelve years, we spent 1159 millions; 771 of which were raised by taxes, 388 by loans. In the Revolutionary War we borrowed 201 millions; in the American, 104 millions; in the Seven Years' War, 60 millions; in the Spanish War of 1739, 29 millions; in the War of the Spanish succession, 32 1-2 millions; in the War of 1688, 20 millions:—total borrowed in the seven wars, during 65 years, about 834 millions. In the same time we raised by taxes, 1189 millions; thus forming a total expenditure of 2023 millions!"

According to a recent publication, showing the extent, population, revenue, and debt of the principal States of Europe for 1829, the debt of Russia was at that time £ 35,550,000, of Austria £ 78,100,000, of France £ 194,400,000, of Spain £ 70,000,000, of Netherlands, including Belgium £ 148,500,000, of Prussia £ 29,701,000, of Great Britain £ 819,600,000. These enormous masses of debt were incurred in consequence of wars. Great nations have been reduced to the necessity of going from city to city, and of borrowing, on almost any conditions, the money of their merchants. And it must be recollected, that during the whole period, in which these debts, incurred for military purposes, have been accumulating, the people, harassed and bleeding at every pore, have been compelled to pay excessive taxes for the same object. Can a nation in such a condition, burdened with such debts resulting from war, and at the same time overwhelmed with taxation for direct military purposes, be regarded as otherwise than miserably exhausted and wretched! And can there, so far as the national resources and wealth are concerned, be any reasonable doubt as to the injurious and destructive tendency of wars! "England and France, (says Bonaparte in one of his Conversations at St. Helena,) held in their hands the fate of the world, and particularly that of European civil-

ization. What injury did we not do to each other! What good might we not have done! Under Pitt's system, [he says nothing of his own guilt,] we desolated the world, and what has been the result. You imposed on France a tax of fifteen hundred millions of francs and raised it by means of Cossacks. I laid a tax of seven hundred millions, [probably meaning pounds sterling,] on you and made you raise it with your own hands by your parliament. Even now after the victory you have obtained, *who can tell, whether you may not sooner or later sink under the burden?*" *——In this last inquiry, by whatever jealousy of spirit it might have been prompted in Napoleon, there is something worthy of the attention of the friends of England. Great Britain, with all the wealth of her cities and the grandeur of her nobles, with all the resources of her commerce, and the unrivalled skill of her manufactures, finds it difficult to conceal it from the world, that her giant footsteps are treading on the brink of bankruptcy. If she falls, it will be the result of war, of *victorious* war; for war is destructive to the victors, as well as the vanquished. If she sustains this great trial, which now presses so heavily on the resources of her genius and the endurance of her patriotism, where is the recompense, either in the past or the present, for her starving operatives, her beggared peasantry, the millions of her ignorant and wretched population, whose cry and wailing, amid the hum of her manufactures and the roar of her mighty cities, so often comes up, as if from the interminable depths, and thrills in the heart of philanthropy in the distant corners of the world!

In the SECOND place, we must take into view the loss, suffered by the community, in consequence of the abstraction of the vast numbers, that are employed in armies and navies, from *profitable* employments. A nation's

* Las Casas, Pt. III. p. 40.

resources are to be considered as diminished, not only by what it is compelled to pay, but also by what it might have saved to itself from its own efforts by taking a different course. The loss, in this point of view, is immense. In time of war, the land forces of Europe, as we have already had occasion to remark, amount to 4,578, 430. And yet this vast body of men, consisting precisely of that portion which is most active and efficient, depend wholly upon others for their support; they do nothing of themselves towards this object; the whole burden of their maintenance is thrown upon others. As to all positively beneficial purposes, aside from the benefits which are commonly though erroneously supposed to be connected with war, they are mere drones in the social and political hive, utterly useless. If these men were required to beat their swords into ploughshares and their spears into pruning-hooks; if they were permitted to remain in a situation, where they could apply themselves to the business of agriculture, to the fisheries, to navigation, and the common arts of peace, what beneficial results would speedily follow! The inhabitants at home would not only be freed from the immense expense attendant upon supporting them in idleness; but there would be a positive and rapid accession to the resources and wealth of the community, which would diffuse a vivifying and cheering influence through all classes of people and all branches of industry. The face of nature and of the useful arts would be changed at once. What sterile and desolate tracts of country would be rendered fertile; what marshes would be reclaimed; what numbers of canals would be opened and railroads erected; what an increase of the productions of the earth necessary for man's subsistence; what an impulse would be given to commerce!

The great cause of humanity, embraced in the gospel

principle, THOU SHALT LOVE THY NEIGHBOR AS THYSELF, is but very imperfectly understood. Mankind are but just awaking to a perception of its glory. They begin to feel for their brother man; they begin to pity the heathen and to send to them the missionary and the Bible; they begin to sympathise in the wretchedness of the slave and are striving to break his chains; they begin to explore prisons and dungeons and to shed the light of benevolence on those abodes of darkness; but this is only the first step, the commencement of a great work of benevolence, the length and breadth of which the most glowing philanthropists have but imperfectly explored. It is indeed right, that we should begin with those, whose condition is the most debased and hopeless; but as the noble cause of philanthropy rolls on, it will be found that there is also a great work to be done *at home*. Every man must be furnished with his farm or his workshop; the means of moral and religious education must be brought to every man's door; every man must have it in his power to reap some enjoyment even in the present life, not indeed as a brute animal rioting in the excess of passion, but as a rational and moral being; so that happy faces, radiant with intelligence and virtue, may be seen looking out from the humblest cottages and even from workshops and manufactories.

But in vain shall we look for the realization of this delightful vision, so long as wars continue to exist. In consequence of the abstraction of soldiers from profitable pursuits, those, who remain at home, are compelled, without the least aid from the military portion of the nation, to bear the immense amount, requisite for the support of armies and navies, in addition to the no small burden of the ordinary taxation. The number of those who pay is diminished, while they are compelled to pay

a greatly increased sum. And this they are less able to do than they would otherwise be, in consequence of the direct destruction of their property, the devastation of their lands, and particularly the interruption of commerce and other civic pursuits by reason of a state of war. Scarcely able to support their families, and utterly unable to obtain for them many things exceedingly desirable for their convenience, and especially for their intellectual and moral improvement, they nevertheless find it impossible to evade the demands of the taxgatherer, which are multiplied upon them in every shape. Their lands are taxed, their houses are taxed, their cattle are taxed, their persons are taxed, their clothing is taxed, their bread and salt and tea are taxed, the very light of heaven in the shape of an impost on windows is taxed; indeed, it is not easy to mention anything, which is free not merely from taxation, but from *excessive* taxation.

This is no exaggeration. A writer in the Edinburgh Review for January of 1820 undertakes to designate to Americans the inevitable consequences of *being too fond of glory*. And what are these inevitable consequences? "Taxes upon every article, which enters, into the mouth or covers the back, or is placed under the foot—taxes upon every thing which it is pleasant to see, hear, feel, smell, or taste—taxes upon warmth, light, and locomotion—taxes on every thing on earth, and the waters under the earth—on every thing that comes from abroad or is grown at home—taxes on the raw material—taxes on every fresh value that is added to it by the industry of man—taxes on the sauce which pampers man's appetite, and the drug that restores him to health—on the ermine which decorates the judge, and the rope which hangs the criminal—on the poor man's salt, and the rich man's spice—on the brass nails of the coffin, and the

ribands of the bride—at bed or board, couchant or levant we must pay :—The schoolboy whips his taxed top—the beardless youth manages his taxed horse, with a taxed bridle on a taxed road :—and the dying Englishman pouring his medicine, which has paid 7 per cent., into a spoon that has paid 15 per cent.—flings himself back upon his chintz bed which has paid 22 per cent.—makes his will on an eight pound stamp, and expires in the arms of an apothecary who has paid a license of an hundred pounds for the privilege of putting him to death. His whole property is then immediately taxed from 2 to 10 per cent. Besides the probate, large fees are demanded for burying him in the chancel ; his virtues are handed down to posterity on taxed marble ; and he is then gathered to his fathers,—to be taxed no more."

Now what hope is there of competency and happiness, or even of a tolerable degree of comfort, for a man, in the common ranks of life, surrounded by the wants of a rising family, if the little he earns is to be thus plucked from his hands !

It is individuals, that constitute the nation ; and if the resources of individuals are diminished, those of the nation are diminished also. There is no fallacy more dangerous and perhaps none more frequently committed, than to separate between the nation and the citizens of the nation. If the people are in mourning, if their fields and vineyards are desolate, if their children are slain on the field of battle, or prisoners in foreign lands, no magic of illuminations, of monumental piles, and of triumphal processions will make such a nation happy. Rachel will still mourn for her children, and refuse to be comforted. And here, as we have already had occasion to intimate, is the great source of mistake and illusion ; we look at things in the aggregate, and do not contemplate them in

their elements; we behold the whited sepulchre of national glory, and do not look at the death and horror within. The situation of the great mass of the people, who are the real constitutors and essence of the nation, is wholly overlooked by the promoters and advocates of war. The leaders of the nation, too rich and too elevated to feel the effects of the storm, which must smite somewhere with unmitigated fury, contemplate the splendor of their armies and the proud banners of their floating military castles, and consider themselves increased in goods and glory, while the condition of the great body of citizens, for whom in particular government was instituted, is one of disappointment, poverty, and wretchedness. The vast majority of the community, in those nations that have plunged deeply into the practice of war, are compelled to drag on their days without comfort for the present, and with as little hope for the future. Peace is banished from their firesides and joy from their hearts and light from their countenances, because their time and strength and substance, to say nothing of the blood frequently poured out by the members of their own families, are invaded and exacted to support a vicious and idle multitude, whose business it is to consume and destroy without producing. These are the legitimate fruits of war; these are the evils flowing from a violation of the laws of God and nature by shedding a brother's blood; these are the results to the miserable people, while kings and military chieftains and rulers of every grade are either indifferent to their condition, or rioting in their own abundance make an open mockery of their wretchedness.

CHAPTER FIFTH.

INFLUENCE OF WAR ON THE PROGRESS OF CIVILIZATION.

In adverting to the evils of war, and in endeavoring to impress them upon the mind of the reader, it is important to take into account its unpropitious influence on what may be termed in a single word CIVILIZATION. The leading elements of a truly and highly civilized state of society are various, such as agriculture, the useful arts, the liberal or polite arts, literature, the domestic relations and duties, civil and religious institutions, &c. If we had it in our power to examine at some length each of these elements separately, we could not fail, with the utmost distinctness, to perceive the deleterious influence of war on that complex civilization, of which in a great degree they constitute the parts. Instead, however, of that minute examination of the subject, which would perhaps be desirable, we shall be obliged to leave it with the reader with a few suggestions, made as briefly as possible.

I,—The cultivation of the soil, if we look at the subject with candour and with a suitable regard to all its relations, will justly be esteemed an indispensable element of civilization. As men rise in the scale of being, as they more and more bring themselves under the influence of just and benevolent principles, the earth itself, as if conscious of so propitious a change, will begin to

put forth, and to bloom more beautifully. But war always throws cultivation back; the soldier is called from his plough, and the vine of his cottage droops till his return. But this is not all; whole provinces have been laid waste at once; houses, lands, cornfields, vineyards, all at once, as if by an overflow of lava or a blast of the sirocco. It would not be difficult to adduce instances and facts, that would fill volumes. What was the result of the eruptions of the Huns and Vandals into Italy in this respect, as well as in others? Before that time, historians inform us, that this beautiful country was cultivated to the highest pitch; but afterwards large tracts of land, not naturally barren or of little value, were covered with forests and marshes of vast extent.* Repeatedly, in the course of European wars, has the whole Palatinate been laid waste; not merely cities, but villages, country-seats, cottages, fields, gardens, every thing. The Ukraine during the last century was laid waste, in the same savage manner, by Catherine of Russia. Almost the whole of La Vendee, thickly peopled as it was with an industrious and rural population, and every where bearing the marks of a high state of culture, was subjected during the French Revolution, to a most horrid and complete devastation. The devastation of the Peninsula by the armies of Napoleon was almost as great. "Affecting traces, (says a writer who was there at the time,) of the invasion of this smiling country were every where to be seen. Cottages all roofless and untenanted, the unpruned vine, growing in rank luxuriance over their ruined walls, gardens, the shells of fine houses destroyed by fire, * * * * * * all proclaimed, silently, but forcibly, that I was travelling through a country, which had been the theatre of war."†

* Robertson's Charles V, Historical Illustrations, Note V.

† Recollections of the Peninsula, Phil. Ed. p. 185.

It is unnecessary to recapitulate the horrid scenes of the Carnatic, of St. Domingo, of the Russian Provinces in the late war with France, of Scio, of the Morea, and of other parts of Greece in the recent Greek war. On few has the hand of war borne more heavily than on the cultivators of the soil; and perhaps in no period of the world have they suffered more than in the last half century. In peaceful countries the husbandman quietly moves behind his plough, or tends his flock in the shade of his native hills, but when war rages it is too often the case, that they find themselves without flocks, fields, or home. With hearts bleeding under the experience of human crime and cruelty, they are obliged to adopt the language of Virgil's unfortunate shepherds,

"Nos patriæ fines et dulcia linquimus arva."

II,—Not to speak of the useful arts, which, although less splendid in their pretensions, are not less propitious in their influence on the progress of civilization, it will surely not be maintained, that war has been otherwise than unfavorable to the progress of the fine arts, sculpture, painting, architecture, and the like. The time has been, when Athens and Corinth, not to mention other distinguished cities of Greece, displayed the proud testimonials of their refinement in their temples, paintings, and statues. And we know not, that any satisfactory reason can be given, why it is not now as it was then, except it be the devastations of war. In the year 410, the city of Rome was taken and pillaged by the Goths and Huns of Alaric. After the streets had been strewed with the dead of every age and condition, a violent assault was commenced upon the works of art.—"The palaces of Rome, (says Gibbon in his history of the Decline and Fall of the Roman Empire,) were rudely stripped of their splendid and costly furniture. The sideboards of massy plate, and the variegated wardrobes of

silk and purple, were irregularly piled in the waggons, that always followed the march of a Gothic army. The most exquisite works of art were roughly handled or wantonly destroyed; many a statue was melted for the sake of the precious materials; and many a vase, in the division of the spoil, was shivered into fragments by the stroke of the battle-axe."—And yet Gibbon gives his readers to understand, and Robertson does not hesitate to confirm the statement, that far greater outrages than these were committed, when at a much later period the city of Rome was assaulted, and during several months was subjected to every species of cruelty and depredation by the soldiers of Charles V. So far as we have been able to perceive, the works of art have not, in any country or in any age of the world, been respected by the invading and conquering army, whenever the removal or demolition of them was supposed to promote their objects. Mr. Southey in his History of the Peninsular War, speaking of the Castle of Benevento, which he represents as superior to any thing of the kind in England, observes; "Every thing combustible was seized. Fires were lighted against these fine walls; and pictures of unknown value, the works perhaps of the greatest Spanish masters, and those of other great painters, who left so many of their finest productions in Spain, were heaped together as fuel."* And what is remarkable, this was done, not by the enemies of Spain, but by those English allies, who had come to defend her. So late as the year 1814, the British army, that entered the city of Washington, burnt down the Capitol, the President's House, and the public Offices, destroying with them the national library, and a multitude of papers and documents of great value in a civil and historical point of view.

*As quoted in the Harbinger of Peace, vol. I. p. 47.

III,—Science and literature too, as well as the arts, suffer from a state of war. It is, indeed, said one of the philosophers of Germany, that he calmly pursued his researches in the immediate neighborhood of the battle of Jena, undisturbed by the horrors around him. And there is an old story of Archimedes, (whether true or false is of but little consequence in the present inquiry,) that he was deeply engaged in solving a mathematical problem, ignorant of the fact that Syracuse had been assaulted and taken by the Romans. But however this may be, no one will pretend, that the ability to engage the mind in philosophic and literary researches at such a time is often possessed. It is absurd to suppose, that the intellect can be kept steadily and profitably at work, while the heart is excited and rent by the angry passions. And such a state of excitement and anger is almost always attendant upon war, even when its thunders are heard at a distance, and its fires do not smite upon our own favored dwellings.

The history of all literature abundantly shows, that quietude and retirement are favorable to the developements of refined intellect. It was amid the shades of Mantua, that Virgil composed the Æneid; it was in the solitary vales of Vaucluse, that Petrach drew the breath of poetic inspiration; it was when blindness and misfortune had driven the great Milton into the depths of retirement, and not amid the bustle of politics and the conflict of arms, that he wrote his Paradise Lost.——But we will not pursue this interesting topic further than merely to add, that it is an ancient idea, almost as old as the world itself, and is no doubt founded on observation and reflection, that the Muses, prompted by the instincts of their own high nature, flee from confusion and strife. If those, who have solicited their favor, have not mistaken their character, they seek retirement; the bustle and

turmoil of arms grate horrible discord to their ears; they love to listen to rural sounds, the breath of winds, and the dash of waterfalls; they delight in the solitude of forests and the contemplative silence of Ægerian grottos.

IV,—Civilization may be understood to suffer in all cases, where there is an interruption of the principles and institutions of Social life. And this is always the case in that numerous class of wars, more cruel and terrific as a general thing than any others, denominated Civil Wars. Look into the Jewish and Roman wars of this description; and see how family ties were sundered; mark how brother was arrayed against brother, and father was arrayed against son. We have already given instances from Tacitus; the following, of an earlier date but of the same character, is from Valerius Maximus. "The father of Caius Toranius, (says this historian,) had been proscribed by the triumvirate. Caius Toranius, coming over to the interests of that party, discovered to the officers, who were in pursuit of his father's life, the place where he concealed himself, and gave them withal a description, by which they might distinguish his person when they found him. The old man, more anxious for the safety and fortunes of his son, than about the little that might remain of his own life, began immediately to inquire of the officers who seized him, whether his son was well, whether he had done his duty to the satisfaction of his generals? "That son," replied one of the officers, "so dear to thy affections, betrayed thee to us; by his information thou art apprehended, and diest." The officer with this struck a poniard to his heart, and the unhappy parent fell, not so much affected by his fate, as by the means to which he owed it." * We see here the effect of war upon social life; how it enters into the sacred retreat of families; how it sunders

*As quoted and translated by Paley, Mor. Philos. Bk. I, Ch. 5.

the most sacred ties; and converts bosoms, that were formed for mutual love, into the repository of the most hateful passions. What was the condition of social life and of social institutions in France during the progress of the French Revolution! Every man stood in fear of his neighbour; the great principle of sociality was broken at the fountain; suspicion, and mistrust, and terror were written upon every countenance; the smile that enlightened the domestic hearth was quenched; even the members of the same family lost confidence in each other; they wrapt themselves up in a jealous and inhospitable selfishness, to the exclusion of those tender and amiable sentiments which are the basis of social happiness; one dark image constantly haunted their troubled imaginations, the vision of the Revolutionary Tribunal and the spectre of the bloody Guillotine. The French invasion of Russia in 1812 furnishes abundant instances of the effect of war upon the social feelings. "Hence forward, (says Count Segur,) there was no fraternity in arms, there was an end to all society, to all ties; the excess of evils had brutified them. Hunger, devouring hunger, had reduced these unfortunate men to the brutal instinct of self preservation, the only understanding of the most ferocious animals, and which is ready to sacrifice every thing to itself. A rough and barbarous nature seemed to have communicated to them all its fury. Like savages, the strongest despoiled the weakest; they rushed round the dying, and frequently waited not for their last breath. When a horse fell, you might have fancied you saw a famished pack of hounds. They surrounded him, they tore him to pieces, for which they quarrelled among themselves like ravenous dogs."

V,—The Religious life and Religious institutions, which constitute another of the great elements of CIVILIZATION, as well as the social life and social institutions,

are made to feel the depressing and destructive influences of war. Without dwelling upon this topic, it will be sufficient to indicate a single view. We have reference to the well-known fact, that armies take no cognizance of the Sabbath. Fortifications are erected on the Sabbath; soldiers are paraded on the same holy day; in Europe the Sabbath is said to be more frequently selected than any other day for great military musters; armies are marched from place to place without any regard to the Sabbath; battles, as was the case at Waterloo, have been frequently fought on that day, probably more frequently than on any other; and both officers and soldiers are taught to regard the strict observance of the Sabbath, as not only inconsistent with the necessities of war, but not unfrequently as a mere Protestant prejudice, which ought to have no place in minds of a more liberal turn. In this country for more than a century the Sabbath was observed by our conscientious forefathers with a great degree of strictness, and unquestionably with the most favorable results; but the French war, about the middle of the last century, and the Revolutionary war, which followed soon afterwards, caused a great change in this respect. Since those wars, there has been a great relaxation in the observance of the Lord's day, which is acknowledged and lamented, but which it is not easy to recover from.

VI,—All Civil and Political institutions, as well as social and religious, are unfavorably affected by a state of war. War always has been, and so long as it continues to be practised, always *will* be, the bane of freedom. The liberty of Rome was overthrown by a skilful warrior; it was the power, which military command and influence gave him, that enabled Cromwell to dissolve the the parliament of England, and seize the reins of government; it was military power, centered in the person

of Napoleon, which enabled him successfully to subdue and to hold in subjection the liberty of France; and it is the evil influences of a military life, which at this very moment disturbs, and perplexes, and casts a deep shadow over the cause of freedom in the Republics of South America. When do we find the fundamental Laws and Constitutions of a State invaded? When do we find prisons filled with persons, guilty of nothing which in the ordinary condition of the community would be considered a crime? When do we hear of proclamations of martial law, a measure oftentimes bearing more severely upon the citizen, than upon the enemy? When do we hear of suspensions of the trial by jury, and of suspensions of the writ of Habeas Corpus? All these things, bearing directly and most injuriously upon the cause of liberty, are the results, and almost the necessary results of war.

Plutarch says of Philopœmen, "Nature, indeed, gave him such talents for command, that he knew not only how to govern according to the laws, but he knew *how to govern the laws themselves*;" a species of knowledge, with which many other military leaders, of less talent and less principle than the Achæan commander, seem to have been familiar. It is the testimony of Plutarch also, that the bloodthirsty Marius, who makes such a figure in Roman history, studied to raise new commotions in the Roman commonwealth, because he perceived, that all his greatness arose from war. It was a saying of his, *Inter armâ silent leges.*——Civil and political liberty is perhaps more perfectly enjoyed in this country, than in any other. But ask any intelligent American citizen, whether our liberties would long continue, if we were obliged to support a standing army of an hundred, or even of fifty thousand men, and he will promptly answer, it would be a hopeless experiment. Nor is this mere republican jealousy. Enlightened men of other nations have ex-

pressed sentiments of similar import. It is the remark of a man no less distinguished than Sir James Mackintosh, that "an army with the sentiments and habits, which it is the system of Modern Europe to inspire, is not only hostile to freedom, but *incompatible with it.*"*

VII,—An enlightened Humanity is to be regarded, as one of the elements, and we may add, one of the marked and prominent elements, of high CIVILIZATION. It will avail but little, that the arts and literature are cultivated, and that civil institutions are erected on just and liberal principles, if the heart is at the same time to be infected with strife and cruelty. Can that be regarded as truly a civilized state, where men disregard the ties of nature, resist the appeals of suffering, and learn to sneer at scenes and situations, over which unbiassed nature would weep! But war always sooner or later leads to this; it tends, beyond all question, to restrict and to crush the operation of all the kindly sensibilities. It is said of Frederic the great, that during the war, which he made against the queen of Hungary, he one night gave orders that every light in his camp should be extinguished by eight o'clock. Walking out at that time, in order to see for himself if all were dark, he noticed a light in the tent of a captain Zeitern. He entered the tent, just as that officer was folding up a letter. "Zeitern knew him and instantly fell on his knees to entreat his mercy. The king asked him to whom he had been writing. He answered that it was a letter to his wife, in order to finish which he had retained the candle a few moments. Frederic coolly ordered him to rise and write one line more, which he would dictate. This line was to inform his wife, without any explanation, that, by such an hour the next day, he should be executed. The letter was then sealed, and Frederic himself took charge of

* Vindiciæ Gallicæ, 2d Lond. Ed. p. 286.

having it conveyed; and the next day the Captain was shot." *

Is this civilization, or rather utter and unmitigated barbarism? It will be said perhaps, that war has its *necessities*. We grant it. But the question here is, not whether there are necessities in war, but what are the results of those necessities? Do these necessities tend to promote or to depress civilization; to render men humane and benevolent, or hard-hearted and cruel in the highest degree?

Look again at the conduct of one, with whom this same Frederic was impiously associated in the dismemberment of Poland, the empress Catherine of Russia. "The cruelties, the massacres, executed by the Russian Commanders, under the express orders of their ruthless and blood-stained sovereign, the female Tiberius of modern times, make humanity shudder. Not content with the torrents of blood shed by her own semi-barbarous armies, she also incited the Zaporavians, a tribe of the most atrocious banditti, who dwelt among the cataracts of the Borysthenes, to massacre the Poles in the Ukraine. These wretches, who lived by blood and rapine, were too happy, with the prospect of impunity, to execute the wishes of the empress. The Ukraine was entirely laid waste, and the inhabitants put to death by means of the most inhuman and revolting tortures. The lowest calculation of the number of human beings, who lost their lives in this indiscriminate massacre, is 50,000; the highest, 200,000." †

If a person wishes to know, whether war is, or is not destructive of those feelings of humanity and benevo-

* Ladd's Essays on Peace and War, No. 15. Foster's Essay on Decision of Character, Let. V.——† Dover's Frederic, Bk. V. who refers here for his authority to Ruhliere's Anarchie de la Pologne.

lence, which constitute so prominent an element of civilization, let him read the history of the wars, occasioned by the efforts of the Netherlands to secure their independence. Such was the complete demoralization attendant upon this war, that the Spaniards in often repeated instances threw their Dutch prisoners overboard, who were so unfortunate as to fall into their hands at sea. This greatly exasperated the Dutch; so much so that the State's General gave orders to Hautain, one of their naval commanders, to retaliate in the same cruel manner. It was not long before this officer took some Spanish soldiers, whom he found on board of certain English and German vessels; and in obedience to his orders, *five companies of them were tied together in pairs, and at a given signal were thrown alive into the ocean.* *

It is needless to multiply instances further, or to add any thing more on this general topic. As war in its very nature involves that hostility and violence, which are characteristic of barbarism, so it effectually tends to make men barbarians; it tends to eradicate all the kindly and generous sensibilities; it throws men back in the scale of civilization; and reduces them to a condition of recklessness, stupidity, and cruelty, characteristic of the lowest and vilest brute animals. Nor are we sure that this language is strong enough. It is here, in this melancholy view of men's conduct, that we find ourselves not disposed to object to one of the aphoristic sayings of Coleridge. "If a man is not rising upwards to be an angel, depend upon it he is sinking downwards to be a devil. He cannot stop at the beast. The most savage of men are not beasts; *they are worse, a great deal worse.*"

* Roman's Annals of the Troubles in the Netherlands, Vol. II. p. 54.

CHAPTER SIXTH.

INFLUENCE OF WAR UPON MISSIONS.

It is not one of the least evils of war, numerous and aggravated as they are, that it is a great obstacle in the way of the successful prosecution of the Missionary enterprise. The Missionary comes to the heathen, with that simplicity and purity of views appropriate to his character, and announces a new and better religion, full of benignity, love, and peace. It is undoubtedly a great announcement, calculated to startle and arouse the attention of the most ignorant and prejudiced. But unfortunately for the Missionary, the heathen whom he addresses are already too well acquainted with the character of those professedly Christian nations from whom he comes. The missionary announces to them as one great element of the Gospel, that it induces men to renounce strife and contention, to love each other, and to treat all mankind as their brethren. But they at once exhibit their incredulity; they state to him, that the people from whom he comes, and who have heard the disclosures of the Gospel from their childhood, are continually in conflict; they themselves have heard the roar of their cannon; they have seen the flash of their swords; nay more, their own families have been assaulted; their own houses have been rifled; their own beloved children have been torn away and carried into captivity by men, who called

proffer of the Gospel with the other will be attended with any adequate success? Have they any reason to believe, that God looks upon such a course with approbation? They may depend upon it, that the world will not be converted, nor will any marked success attend the Missionary cause, which even now, with all the aid of Missionary publications and Monthly Concerts, seems to be obstructed and languishing, until this great question is settled.

But some will perhaps object, that these are solitary and exempt cases; and that a great portion of the heathen world are not thus acquainted with the vices and crimes of Christians. We wish it were so, but it is not. The roar of Christian cannon, and the flash of Christian musquetry, and the hyæna outcry of the Christian military onset have been heard and seen, wherever there are men. We are sending missionaries, not only to our own heathen tribes and to Syria and Palestine, but to India. Does India know nothing of the character of Christian nations, and of the hostility of that character to Christian principles? Have not the armies of England at different times and under different leaders laid waste her fairest provinces, burnt her villages, and exemplified, to an extent deeply painful to every feeling heart, the tremendous crimes, which are capable of being found in association with the sacred but perverted names of civilization and Christianity? "There is nothing, (says a celebrated English orator, speaking of one of the principal agents in the transactions of British India then on trial,) to be found in the history of human turpitude; nothing in the nervous delineations and penetrating brevity of Tacitus; nothing in the luminous and luxuriant pages of Gibbon, or of any other historian, dead or living, who, searching into measures and characters with the rigour of truth, presents to our abhorrence depravity in

its blackest shapes, which can equal, in the grossness of the guilt, or in the hardness of heart with which it was conducted, or in low and grovelling motives, the acts and character of the prisoner."*—And such are the pioneers of the Gospel; such are the men, who, in the lamentable ubiquity of human avarice and crime, have ever been destined to present to the hungering and thirsting nations of heathenism the ante-past of the religion of purity and peace.—And has this great evil been sufficiently contemplated and examined by the Christian Church? We call it a *great* evil; not only because it is so in itself and in its own nature, but because it is great in its application; because it is found *every where*; pervading every island and every continent and every country and every name and tribe under heaven. It is a fatal mistake which some will be likely to commit, that, though the evil is aggravated in its nature, it is limited and curtailed in its application; and consequently of no great moment.

Fleeing from the abominations of America and India, we direct our attention to the immense regions of Africa. As the Missionary passes along that benighted coast with his announcement of the glad tidings of salvation and peace, can it be supposed, that the countless wrongs and contumelies, suffered for three centuries at the hands of Christian nations, will at once be forgotten? Undoubtedly the Missionary will find in the recollection of these wrongs an obstacle of the most serious kind to his benevolent efforts. The untutored Africans will experience the greatest difficulty in satisfactorily solving the problem of the direct contradiction between alledged Christian principles and known Christian practice; and so long as this is the case it cannot be expected that their hearts will be thrown fully and frankly open to the re-

* Speech of Sheridan on the Impeachment of Warren Hastings.

ception of divine truth. We give you the Gospel, says the Missionary ; we come to you in peace ; and we pray you to listen to us, and to become Christians. "Oh, says the bereaved and heart-broken mother, rather give me my wretched sons and daughters, whom you Christians have torn shrieking from my arms, and have plunged into the ocean, or have enslaved in distant lands."

And now what is to be done ? Have we not by our misconduct erected a Chinese wall in the way of the progress of the Gospel ? Can we reasonably expect to purify the world without a purification of ourselves ? Undoubtedly missions will be established, and will be attended with some degree of success, but we draw our conclusion without looking closely and seriously enough at the premises, if we suppose, that the world will be converted, without our taking this great stumbling block out of the way. Ships of war must be laid up ; armies must be disbanded : the militia system must be given up ; fortifications must be demolished ; cannon must be melted into bells for churches ; swords must be beaten into ploughshares and spears into pruning hooks ; and then what light will beam from the brow of the Missionary, as he stands the messenger of the *Prince of peace* on heathen soil ! He will come not only with the gospel, but with a practical Commentary on its principles, so full, so striking, so overwhelming, as to carry conviction at once to the heathen heart.

CHAPTER SEVENTH.

CAUSES OF WAR.

It would be an interesting topic, if our limits would permit us to enter into a full examination of it, to show on how very slight causes wars generally depend. We sometimes find an alleviation of our regret at the issues of events, by a consideration of the causes, which led to them. It is a common remark, that we ought to be willing to suffer in a good cause. But how very seldom does this source of consolation exist in the case of wars. We should naturally anticipate, that war, involving as it does such a vast amount of human life and happiness, would not be commenced, except for the most urgent and weighty reasons. But nothing can be further from the truth than such a supposition.——Some years since the Peace Society of Massachusetts appointed a Committee to inquire into this subject. In the Report, the inquiry is "confined to wars, in which civilized nations have been engaged, since they became christian, or since Constantine assumed the reins of the Roman empire: omitting a great number of petty wars, in small nations of antiquity,—temporary insurrections, or trivial hostilities—and a multitude of wars which have been carried on between christian and savage nations, such as the Aborigines of Asia and America. The report relates to 286 wars of magnitude, in which christian nations have been engaged. These are divided into the eleven following classes," viz :

"44 Wars of ambition to obtain extent of country.
22 Wars for plunder, tribute, &c.
24 Wars of retaliation or revenge.
8 Wars to settle some question of honor or prerogative.
6 Wars arising from disputed claims to some territory.
41 Wars arising from disputed titles to crowns.
30 Wars commenced under pretence of assisting an ally.
23 Wars originating in jealousy of rival greatness.
5 Wars which have grown out of commerce.
55 Civil Wars.
28 Wars on account of religion, including the crusades against the Turks and heretics."

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We should naturally infer from the most superficial view of the causes enumerated in this Report, that many of them are very slight. But a more full examination would probably fill us with astonishment. Examine, for instance, those wars, which have arisen from a jealousy of rival greatness, or from a determination to settle some question of honor or prerogative, and it will be seen how little truth, justice, and a due consideration of the consequences have had to do with their origin. In the eleventh century the commonwealth of Modena was involved in war. It originated in consequence of some soldiers of that State running away with a bucket from a public well, belonging to the State of Bologna. The bucket was of course of very little value, and was taken perhaps in the mere wantonness of sport; but the circumstance of its being thus taken had the effect to wound the pride of the Bolognese, and to kindle up a long and bloody war. We do not propose, however, to go into a narrative of facts; we appeal to the historical recollections of

the reader himself, from the ten years' war of Troy, down to the bloody contests of England and Holland for the nominal supremacy of the ocean.

Although we are sometimes obliged to take the statements of Dean Swift, who understood the art of making a thing ridiculous by skilful exaggerations, with some grains of allowance, there is no need of any abatement in what he has said of the causes of war.——"Sometimes, (he remarks,) a war between two princes is to decide which of them shall dispossess a third of his dominions, whereto neither of them pretend to any right. Sometimes one prince quarelleth with another, for fear the other should quarrel with him. Sometimes a war is entered upon, because the enemy is too strong; and sometimes because he is too weak. Sometimes our neighbors want the things that we have, or have the things that we want; and we both fight till they take ours, or give us theirs."

There is one aspect of this subject, which seems to demand a moment's further attention. It is a most melancholy truth, that the human race, with all their unspeakable interests, have been made the mere sport and playthings *of those in power*. It is not generally the case, that the nation itself, the great mass of the people, plunges into war by its own choice. It is the work of their rulers; sometimes from pure malignity and cruelty, but still more frequently from a cold and selfish indifference to every thing, except their own personal freaks, pleasures, and ambition. Machiavel has somewhere given an account of a dispute concerning the making of a pair of gloves, in which a certain royal personage was involved, which had the effect to change the aspect of affairs in all Europe. And an incident almost as trifling as this, the most trivial affair imaginable, one which in private life should not have been esteemed important enough to

set two neighbors at variance, has often plunged nations in blood. That truly distinguished philosopher, Dugald Stewart, in giving an Account of those Principles in men which lead them to action, has some remarks to this effect, that the cruelties, which boys so frequently practise upon inferior animals, are not so much owing to a really malevolent disposition, as to their love of activity and the pleasure they take in the exercise of power. And does not this remark, as well as what we know of the ambition and of the malevolent tendencies of the human heart, suggest the explanation of a multitude of wars? Kings, and the other great rulers of mankind, kill their subjects, and set their subjects to killing each other, and bring upon them, directly and indirectly, the deepest poverty and wretchedness, not because they in in all cases, or even generally, love to witness suffering for suffering's sake, but because they wish to have something to do, because they love to be in motion, because they take a pleasure in activity and the exercise of power; in a word, because they think only of themselves and of their own personal gratifications and of nobody else. ——There is a passage in Voltaire's History of Louis XV on this subject, worthy of some notice. Speaking of the war of 1756, in which the French nation had been engaged, he remarks, "this nation lost, in the course of this unfortunate war, a great part of the flower of its youth, more than half of the current money of the kingdom, its navy, commerce, and credit. It was believed, that it was very easy to have prevented all these misfortunes by giving up to the English a little piece of litigated ground towards Canada. But some ambitious persons, *to make themselves necessary and important*, plunged France into this fatal war. It was the same in the year 1741. The selfishness of two or three individuals is sufficient to desolate all Europe." The same writer informs us,

that Louis XIV once gave orders for the entire laying waste and destruction of the whole Palatinate, a beautiful country in the heart of Europe. The blame of this inhuman transaction was attempted to be thrown upon the Marquis de Louvois, one of his ministers. But Louis himself, whom history so incorrectly and unwisely styles the Great, was the criminal. "He signed the order, (says Voltaire,) at his palace of Versailles, *because he saw nothing in such a command except his power and the unhappy right of war.*"* And thus it is. Rulers little think, in the midst of their abundance gathered up from the spoils of the people, and surrounded in their palaces by the allurements of festivals and song, how many hearts of the poor, by such a mere dash of the pen, they have broken; how many peasants' cottages they have made forever desolate!

CHAPTER EIGHTH.

OF WAR AS EXAMINED BY THE LIGHT OF NATURE.

We have thought it a matter of some consequence to attempt, in the preceding chapters, to give some idea, (a very imperfect one we are aware,) of the Evils of war. If the statements which have been made, can lay no just claims to novelty, they may yet perhaps have power to refresh the memory, and to bring before the imagination pictures, which had begun to fade away. In view of the evils of war, the inexpressible calamities to individuals

* Voltaire's Age of Louis XIV, Chap. 15.—See also Louis XV, Chap. 35.

and communities which ever attend it, we may earnestly appeal both to the humanity and the interests of mankind. If they have any kindly and generous feelings remaining, any emotions of pity, any compassion for their fellow-men, any bonds of brotherhood, let them at length listen to the suggestions of this amiable and ennobling part of our nature, and cease to practise those arts of destruction, which for six thousand years have deluged the earth with tears and blood. Or if, hardened against the kindly and sympathetic sensibilities, they consult merely the considerations of interest, we still take courage to entreat them to look upon their ruined habitations and wasted fields, and to learn war no more.

But there is a still higher part in man's nature. We do not feel at liberty to stop short with an appeal to men's sympathies, or to those views of an interested or prudential kind, which they may entertain ; but entering into that more elevated portion of the soul, which may be characterized as the sanctuary of DUTY, we put the question to their conscience and their religion. We ask them, whether as moral and religious beings, as beings subject to the regulation of the two-fold law of nature and of revelation, they have the RIGHT to destroy each other ? ——Accordingly this is the distinct and important inquiry, upon the discussion of which we now propose to enter, not whether war is consistent with the dictates of humanity or the claims of common prudence and interest, but whether it is RIGHT, whether we can engage in war without SIN, in any case whatever ?

We say, *in any case whatever*, because we do not propose to make any distinction between offensive and defensive war. If it can be proved, that *defensive* wars are allowable, it would be altogether useless to pursue the inquiry any further, because under the name and pretext of defensive war, national contests of every des-

cription, would be carried on. Every belligerent nation, with scarcely a single exception, scornfully rejects the imputation of being the original aggressor, and professes to prosecute its warlike measures for purposes of self-protection. And so long as we admit, that defensive wars are allowable on Christian principles, so long we grant, for all practical purposes, every thing which the advocates of war wish. The true doctrine is, that human life, both in its individual and corporate state, as one and as many, IS INVIOLABLE; that it cannot be taken away for any purpose whatever, except by explicit divine permission; and that war, in every shape and for every purpose, is *wrong*, absolutely *wrong*, wholly *wrong*. Any doctrine short of this will fall altogether powerless and useless upon the broad surface of the world's crimes and miseries; it will dim the light of no sword; it will wipe the tear of no widow and orphan.

The question of the right of war, including in the term Defensive as well as Offensive war, may be examined in a threefold point of view, (1) by the light of nature, (2) by the principles of the Old Testament, (3) by the principles of the Gospel. This is the course, in the examination of this subject, which is taken by Grotius in the first Book of his Law of Nations; a method of reasoning upon it, which is at once simple and satisfactory. Our first inquiry, therefore, is, whether war, in any of its forms, is permitted by the light of nature.

The light of nature is nothing more nor less than the light of natural reason and conscience. But as the light of nature is understood to embrace in its influence all mankind, and of course to be accessible to the perceptions and convictions of all, the common view, which is taken of it, is, that the doctrines, which it developes and establishes, are easily perceived, are almost *intuitive*; that the preparative steps of reasoning are few, convic-

tion being flashed upon the mind at once. Accordingly if any one will take the trouble to inquire, he will find that writers on Natural Law, (a portion of Law which is understood to rest, not upon enactments, treaties, or conventions, but upon *nature*,) seldom introduce long and abstruse trains of reasoning. On the contrary, the propositions, which they lay down, involving as they often do immense consequences, are generally sustained by a plain and frank appeal to the intuitive common sense and common feeling of mankind. In the dispensation of the elements, the leading principles of moral duty, nature has made no distinctions, has constituted no aristocracy; but has showered them down upon the learned and the unlearned, much as the rains are said to descend, without regard to character, upon the just and the unjust. To determine right and wrong is of more consequence than to comprehend the doctrine of the planetary system; but while it required, in order to unfold the wonderful laws of the planets, the gigantic intellect of Newton, the higher gift of the determination of right and wrong is bestowed upon the simplest peasant, upon the man, who cannot repeat the enumeration table. To determine, therefore, whether a thing is agreeable or not to the light of nature, all we have to do, is, to determine whether it is agreeable to the common sense and common feeling of mankind. The prevalent sentiment of mankind, even if it should be interrupted and broken by a few discordant voices, will not be likely to be an erroneous one.

Let us then take the simplest case. Is it right, merely for our own gratification, to put a man to death, who has not injured us personally, nor done injury to the community? No one will pretend, that on such a question there is need of laboured argument; the decision is made at once; promptly, intuitively, and unanimously.

Again, is it right to put a man to death, who has merely committed an offence against property, the crime of theft? The reply, notwithstanding the strange practice of some nations, is equally prompt and decided. Furthermore, is it right to put a man to death for some assault upon and injury to our person, which does not go so far as to affect life? In all these cases, the answer, resulting from the common perception and the common feeling of mankind, cannot be mistaken. We have here, not indeed the light of a long deductive and demonstrative process, but what we may properly term the light of nature. On questions of this kind the ignorant man pronounces his opinions, as promptly and decisively as the philosopher. It is his *nature*, which speaks. If he is asked to give the reason, why a man should not be put to death for nothing, or for theft, or for a blow upon his person, his answer is, that he has no reason to give, except that such is his conviction, founded upon the instinctive suggestions of his nature. It is his nature which controls his conviction; there is something deeply abhorrent to his natural and moral sensibilities in the shedding of blood; there is a voice within him, coming up from the sacred depths of the conscience, which pronounces it wrong. Kindness, benevolence, abhorrence of the shedding of blood is an attribute of humanity. So fully are we persuaded of this, that we cannot deny, that we have no great respect for the sensibilities of that man, who can look upon the butchery of a lamb or of any dumb animal with feelings of perfect indifference. How much analogy is there between the feelings of such a man and the benevolence of that God, who hears the ravens when they cry, who gives their meat to the young lions, and without whose notice not even a sparrow falls to the ground? But when we see the knife applied to the throat of a human being, or the guillotine suspended

over him, or the bayonet plunged into his breast, the remonstrances of nature are loud and overwhelming; and the man, who can be indifferent there, who feels at such a time no instinctive oppositions of heart and conscience, has but little claim to be regarded or treated as a man.

But there are perhaps other cases, which are attended with more difficulty. We will suppose, that an individual attacks us with dangerous weapons and with an *evident intention to kill*, and that at the same time we are not in a situation to make our escape. Shall we not in that case defend ourselves? To this question we may answer in general terms, that, reasoning as we now do from the light of nature, undoubtedly we may. Not only the prompt decisions of reasoning and the dictates of conscience would permit us to make such defence; but we are also strengthened in our opinion of the propriety and rectitude of such a course by the consideration, that we have within us naturally the principle of RESENTMENT. This principle like all the other principles, coming under the general head of the Natural Sensibilities, has a two-fold operation. It operates in the first place instinctively. When children, for example, are accidentally hit by a stone or a Savage by an arrow, they feel a momentary, instinctive rage against the inanimate object, and smite it or break it to pieces. And it cannot be doubted, that our Maker exhibits his beneficence, in giving this instinctive form of operation to this principle. It is the object and the result of Instinctive resentment to place us suddenly on our guard, and in the attitude of self-defence, against unforeseen and unexpected attacks. It operates in those cases, where, if we were obliged to wait for the more tardy results of reasoning, we should infallibly suffer. There is another operation of resentment, distinct from its instinctive operation, which Mr. Stewart properly calls DELIBERATE. It appears more

slowly; always implies the exercise of the reasoning power; and is more permanent than instinctive resentment. But, in both its forms, it seems to be an original principle, and is understood to be implanted for necessary and beneficent purposes. Now with such a mental constitution we cannot suppose, when left to the mere instructions of the light of nature, that we are prohibited from defending ourselves when thus attacked.

But the question yet more difficult arises here, whether, in acting on the principle of self-defence, we may not only repel our adversary, disarm him, disable him, and confine him; but whether we may also take his life? And here we may assert without hesitation, (and are sustained in the opinion by some of the illustrious names of unchristianized antiquity,) that the light of nature authorizes us to go, in our efforts at self-defence, to the mere line of present and future protection, and no further, except it be for the good of the aggressor himself. The principle of resentment is a protective, and not an aggressive principle; it was designed to preserve ourselves, and not to bring suffering on others. Such is the original constitution of the human mind, that, in its unbiassed and just action, it condemns and proscribes decisively and forever all retaliatory and revengeful feelings. In all cases, therefore, where we can preserve our own life without the extinction of that of our adversaries, we are bound, on the basis of enlightened conscience and reason to preserve *both*.——We come, then, to an ultimate case. We will suppose ourselves unable to disarm our adversary, and that we are morally certain, if we do not take his life, he will take ours. Here we suppose, although some minds would be slow in coming to the conclusion, that mankind generally, unaided and unenlightened by Revelation, would claim the right of putting to death their antagonist.—And on this basis, reasoning from in-

dividuals to nations, the light of Nature would seem to authorize war in those extreme cases, where we are obliged to choose between our own destruction and that of our assailant.

So far as this, arguing the subject from the light of nature alone, we feel disposed to concede to the advocates of war. We do not deny that if the code of nature were the only code, which binds its requisitions on the human race, the prospect of universal and permanent peace would be altogether a hopeless one. But we would beseech the advocates of the right of war not to forget, as seems to be too often done in arguing on this subject, that we are not left in this situation. It is not true, (and we ought to be grateful that we are permitted to say it,) that we are left to the guidance of the light of nature alone. In the present erring and fallen condition of the human race, every candid mind will be ready to confess, that the light of nature is often dim and uncertain ; and just so far as we have the purer and brighter radiance of Revelation, we are under obligations to follow it.

CHAPTER NINTH.

OF WAR AS EXAMINED BY THE OLD TESTAMENT.

If we examine the subject of war, as it appears in the light of nature, we may perhaps be obliged to admit, that, in some extreme cases, which very seldom occur, it is allowable. But in addition to the light of nature, as we have already had occasion to say, we have the purer and brighter light of Revelation. The mere fact of a Revelation from God implies, that those unaided suggestions of natural reason and conscience, which are indicated by the phrase *light of nature*, are not enough for us in the actual circumstances of our situation. Accordingly we naturally anticipate, that there will be found in the Scriptures principles and practical requisitions, different from and above the principles and requisitions of nature. Revelation embraces the natural divisions of the Old and New Testaments, which are so clearly separated from each other by time, by events, and by principles, that there is no danger, in the examination of the subject before us, of their being confounded together. We proceed, therefore, to the examination of the subject of war, as it is presented to us in the Old Testament.

In the first place we admit, that wars were frequently carried on during those periods, to which the Old Testament particularly relates, and that religious men, such as Abraham, Joshua, and David, participated in

them. There is no question as to the fact. The question is in respect to the principle. On what grounds did this happen? What were the reasons, which led to this state of things? We cannot doubt, that the wars of the Old Testament, so far as they were entered into and conducted by pious men, were understood by them to be fully authorized by the permission of God, either express or implied. It will be recollected, that during the long period of the Old Testament dispensations, God was in the habit of holding communications with his chosen people. Their government, even so far back as the time of Noah, may properly be denominated theocratical. In other words, God was their civil and political, as well as moral governor. By dreams and visions of the night, by symbolic appearances, by the mouth of his prophets, by Urim and Thummim, and by the agency of angels, he condescended to make manifestations of his will to his people and their rulers. The subjects of those communications were more or less important; some of them have been handed down to us, but some in all probability have not been made matter of historical record. But certainly it would be unreasonable to suppose, that the subject of the destruction of human life and of war was wholly passed by. If we had no express testimony to to the fact, we should certainly conclude from the nature of the case, that the pious servants of Jehovah would not feel at liberty to destroy their fellow men, without a knowledge of the Divine will in so important a matter. They consulted him in other things; they were in the habit of regulating their conduct by his directions and advice; and is it at all probable, that, in so responsible business as that of shedding human blood, they would either refuse to seek his counsel, or would disregard it when given?

The first war particularly mentioned in the Bible, as

having been carried on by those, whose example would have any weight in this discussion, is that, which was commenced by Abraham for the rescue of Lot. In regard to this case we admit, it does not appear from the record which we have of those events, that any divine permission was expressly given to Abraham. And yet from a knowledge of his character, and particularly of his entire reliance upon God, we are naturally led to conclude, that, if he had not an express revelation on the subject, he yet had such evidences and intimations in regard to it, as according to the best views he could take justified him in the course he pursued. His reply to the proposition of the king of Sodom, that he had lifted up his hand unto the Lord, the Most High God, &c, seems to indicate very clearly, that he had not engaged in this warlike enterprise for mere worldly purposes, nor without a reference to the will of that great Being, in whom he believed. Especially when we consider, that he was blessed for his conduct by Melchisedeck, the priest of the Most High God; and that both before and after this event he had direct communications with God himself. If we examine the wars, which took place in the times of Moses and Joshua, we shall find more decisive evidence that they were commenced and carried on, as a general thing, under the divine direction. On a certain occasion the Israelites proposed to make an attack upon the Amalekites; but what was the language of Moses? "Go not up, *for the Lord is not among you*; that ye be not smitten before your enemies." In another case it is said, when Arad the Canaanite opposed the passage of the Israelites through his territories, that "Israel vowed a vow unto the Lord, and said, if thou wilt indeed deliver this people into my hand, then I will utterly destroy their cities. And the Lord hearkened to the voice of Israel, and delivered up the Canaanites." When the king

of Bashan came out against the Israelites to give battle at Edrei, "The Lord said unto Moses, fear him not, for I have delivered him into thy hand, and all his people, and his land." The wars, which were waged after the death of Moses, under the direction of Joshua, were commenced and carried on with the divine permission and approbation. After directing him to arise and pass over the Jordan, God says to Joshua, "Every place, that the sole of your foot shall tread upon, that have I given unto you, as I said unto Moses. From the wilderness and this Lebanon even unto the great river, the river Euphrates, all the land of the Hittites."——In other instances too numerous to repeat here, we find that God kept in his own hands the direction in this matter; and that nearly in proportion as his people revered him and loved him and were disposed to do his pleasure, they consulted him in all measures of a warlike nature. This at least is found to be so frequently the case, that in those instances where no record of such consultation has come down to us, we may reasonably infer, that it was not in fact omitted. And this is what we should naturally expect from a consideration of the immense consequences involved in war; and particularly after the solemn announcement on Mount Sinai, THOU SHALT NOT KILL.

The sixth Commandment furnishes a key to the interpretation of the whole of the Old Testament on the subject of the inviolability of human life. By keeping this key in our hand, we may unlock it and explain it in entire consistency with itself from beginning to end; and in consistency also with the New Testament. We have no idea, that this command, *thou shalt not kill*, was limited, as some imagine, to cases of manslaughter and murder. We are aware, that some distinguished names would impose this limitation. Even Rosenmueller translates it by the Latin expressions, NE HOMICIDIUM COMMITTITE;

thus limiting the prohibition to the crime of murder in its various forms. But we venture to assert, it will not be maintained by Biblical critics, that this limitation of meaning is found in the verb itself, which is unquestionably one of the most general import. The meaning of the passage, taken by itself, is simply this ; Thou shalt not take life ; life is sacred, inviolable.——Nor does anything in the *connection*, so far as we can perceive, suggest any such limitation, as has been contended for. The true connection and relations of the passage are to be found in the chapter, in which it is contained. There is a clear line of distinction both between what goes before and what comes after ; and in this chapter it is undeniable, that no limitation of the terms in question is either made or even suggested, excepting we may infer from the general objects and manner of the communications made at this time, that the prohibition refers to the taking of human life, and not to that of brute animals.

It is not denied, that a portion of the Jewish civil Code was communicated at the same time, or nearly at the same, with the announcement of the Tables of the Moral Law ; and that in this Code, the punishment of death is required to be inflicted in certain cases. But what precise time elapsed, and what explanatory or other communications took place between the announcement of the Moral and Civil code, we have now no means of knowing. We may reasonably suppose, however, that enough was communicated to the Jews to remove from the course of Divine proceeding all inconsistency and obscurity. God, it may be supposed, gave his people to understand, that the prohibition of the sixth commandment was binding upon *men*, to whom it was directed, and not upon *himself* ; that no man was at liberty to destroy the life which he could not give ; and that consequently it could not be taken in any case whatever,

without his express permission. And accordingly we find him, in his capacity of civil and political ruler, granting this permission to some extent; not because it was so in the beginning, not because he designed it to be so in the end, but undoubtedly for the reason applicable in the case of polygamy and divorce, viz, on account of the hardness of their hearts and their sins.

The prohibition, therefore, contained in the sixth commandment, stands out in all its distinctness and solemnity, sanctioned by all the impressive circumstances, which attended God's appearance on Mount Sinai, and to be obeyed in all situations whatever, except where God by a special interposition is pleased to suspend it. As God is the author of life, we naturally feel, that no one besides himself has a right to take it away with the single exception, which was mentioned in the last chapter, viz, where our own life comes in direct and certain conflict with that of another; and even in that case no one pretends to deny, that it is his right, when he sees fit to exercise it, to determine who shall fall. His command possesses the prerogative of overruling even our natural feelings of resentment. Whatever may be true on the subject of taking human life when we are left to the light of nature, it is certain, that God, when he undertakes to reveal his will and to legislate in addition to and in completion of the light of nature, may lay down such regulations in regard to the inviolability of life as he sees fit. He has said, THOU SHALT NOT KILL; he has made use of the most general terms, clearly asserting the inviolability of human life in all cases whatever; he has promulgated this command in the most solemn manner; he has incorporated it into the specific and glorious code of the Ten Commandments, which alone, amid the wreck of ceremonial and political regulations, is sanctioned and established forever by the Mediator of the New Covenant.

This, therefore, is the conclusion at which we arrive on this part of our subject. In the periods of the Old Testament, life was taken and wars were carried on by those, who are represented in the Epistle to the Hebrews as having lived and died in the faith, not on the ground of *natural right*, (for they were now placed under a theocracy or economy above that of the light of nature,) but on the ground of *permission*. God, as the great arbiter of life and death, had once in his righteous anger drowned the whole world, had sent down fire and consumed the corrupt cities of Sodom and Gomorrah, had opened the earth and swallowed up Korah and his company, and in repeated instances he smote and destroyed his own people and their enemies with some deadly disease; but he saw fit for wise reasons, which we are not at liberty to gainsay, to employ war as the more common instrument of his indignation. When he saw a nation occupying lands belonging to another, as was the case with the Canaanites in their occupancy of Palestine; when he saw them unjustly attempting to destroy his own beloved people; when he beheld them given up to every species of idolatry and moral corruption, he determined to secure the great ends of justice and beneficence by destroying them in war. It is true, he might have effected his object by other means, but he chose this. If his people in some instances, either in their forgetfulness or their sin, seized the sword and took life without his permission, we find that they did not always escape his rebukes and chastisements; and certainly this unauthorized and sinful conduct is no suitable precedent and authority for us.*

* There is one passage of the Old Testament, Gen. 9 : 6, "Whoso sheddeth man's blood, by man shall his blood be shed," which might have been introduced here. But in order to prevent repetition, the examination of it is reserved to one of the chapters on Capital Punishment.

But it is worthy of particular notice, that, while the taking of life and the practise of war were permitted during the periods of the Old Testament dispensations, we have repeated intimations in the Old Testament itself of a better state of things; of a day when war and its attendant miseries shall cease. The ceremonial institutions and rites seem to have had a meaning, prefigurative of that better, purer, and more peaceful state. Even the tabernacle and the temple had their spiritual import. And it is worthy of remark, that David, with all his success and glory, was not permitted to build the Temple, because "*he had shed blood abundantly and made great wars.*" This certainly looks, as if the shedding of blood was not a thing pleasant in the sight of God; but was permitted, in the wisdom and supremacy of his Providence, in consequence of the peculiar situation of mankind. But there are express predictions on this subject. It is not necessary to repeat all the passages, which are now referred to. A few will afford ample matter for profound reflection.—Isa. 2: 3, 4. "And many people shall go and say, Come ye and let us go up to the mountain of the Lord, to the house of the God of Jacob; and he will teach us of his ways, and we will walk in his paths; for out of Zion shall go forth the law, and the word of the Lord from Jerusalem. And he shall judge among the nations and shall rebuke many people; *and shall beat their swords into ploughshares and their spears into pruning hooks; nation shall not lift up sword against nation, neither shall they learn war any more.* And again in the same prophet, chap. 9: 6, 7, "For unto us a child is born, unto us a Son is given; and the government shall be upon his shoulder; and his name shall be called Wonderful, Counsellor, the mighty God, the everlasting Father, *the Prince of Peace. Of the increase of his government and peace, there shall be no end.*" And again, chap. 11: 1, 5, 6,

7, 8, 9, "And there shall come forth a rod out of the stem of Jesse, and a branch shall grow out of his roots. And righteousness shall be the girdle of his loins, and faithfulness the girdle of his reins. The wolf also shall dwell with the lamb, and the leopard shall lie down with the kid; and the calf, and the young lion, and the fatling together; and a little child shall lead them. And the cow and the bear shall feed; their young ones shall lie down together; and the lion shall eat straw like an ox. And the sucking child shall play on the hole of the asp, and the weaned child shall put his hand on the cockatrice's den.—*They shall not hurt nor destroy in all my Holy mountain; for the earth shall be full of the knowledge of the Lord, as the waters cover the sea.*" See also the prophet Micah 4: 1—5.

In view of these passages and others of a like import, it cannot be doubted, that we are fully authorized to anticipate the actual existence of a day, whether it shall be slow or rapid in its advent, when wars shall cease, when contentions shall exist no longer. The day of aggression and of retaliation will certainly come to an end. But can this universal diffusion of harmony consist with the principle, that it is right and justifiable to do acts of injury and violence! What sort of a millennium would the bright period referred to prove to be, if every actual or supposed injury might without impropriety call forth other acts of violence in repelling them, or in retaliation of them! Who has ever associated in his conceptions of the serenity, quietude, and love of the millennial period, the recognition, either practical or theoretical, of the belligerent dogma, "an eye for an eye, a tooth for a tooth"! It seems from the very nature of the case, that the principle of non-resistance, based upon emotions of true and heart-felt love, must be the forerunner, the attendant, and the grand security of that blessed state of the world.

So that while Jehovah, in the exercise of that theo-

cratical sovereignty, of which we have the particular account in the Old Testament, permitted wars in the existing state of things, he at the same time teaches his prophets to inform us by the peculiar methods of prophetical communication, that this is only the temporary and not the permanent feature of his administration; that war shall ultimately cease; that the great doctrine, THOU SHALT NOT KILL, shall at last gain a practical ascendency; and that human life, with the exception of his own authority over it, shall stand, in all the possible circumstances of its earthly existence, inviolable and sacred.

CHAPTER TENTH.

OF WAR AS EXAMINED BY THE PRINCIPLES OF THE GOSPEL.

IF we examine the subject of war by the light of NATURE alone, unaided by anything in the form of a divine communication, we are not disposed to deny, that men may, in a few extreme cases, justly carry on war. So far as this, for the reasons already given, we concede to those, who differ from us on this great subject. If, in accordance with the plan laid down, we proceed to examine the subject in the light of the Old Testament, we maintain, (taking the acknowledged ground, that God's chosen people were from the beginning under a Theocracy more or less fully developed,) that human life is held inviolable; and that this great principle cannot be suspended, except by God himself, the author of life. And if we can at the present day make ourselves sure of an

express Divine permission to take life, as Moses and Joshua and other Old Testament saints did, we are undoubtedly at liberty to take it. But we are to keep in view, in this part of our inquiry, that the Old Testament itself holds out the prospect of a different and better state of things ; a day when blood shall no longer flow, when conflicts and wars shall cease.

But having passed upward from the ground of Nature to the ground of the Old Testament, we are now prepared to take a step higher and to place our feet upon the plain of Bethlehem, beside the cradle of the great Christian Legislator, with an illuminated sky above us, and hosts of angels uttering in strains unknown before, PEACE ON EARTH, GOOD WILL TO MEN. It is in the New Testament, and under the Christian Dispensation, of which Jesus Christ is eminently and emphatically the author, that we must settle permanently this interesting question.

Before attempting to show from the New Testament, that war, in no shape whatever, is allowable, it may be of some importance to premise, that in making this attempt we labour under great disadvantages. We cannot reasonably expect an entirely candid hearing. Even those, who imagine that they may be fully prepared to receive the truth on this subject, may nevertheless be under the influence of some secret and imperceptible bias. The truth is, the natural and unholy feelings of mankind are against us. If a man is greatly injured, he has a natural feeling, a sort of instinctive impulse, that it is right for him to defend himself; and under certain circumstances and to a certain extent, to attack, to retaliate, to charge home, to carry the war into the enemy's territory. And accordingly when our doctrine of the entire inviolability of human life in all cases whatever is proposed to him, he instinctively sets himself

against it; and it is an hundred to one that he is not in a proper situation to listen attentively and candidly to the arguments, by which it is supported. We mention this unfavorable state of things, in order that the inquirer into the truth of our doctrine may scrutinize his own feelings, and may use all suitable efforts to put himself in a situation, where every well-founded consideration will have its due effect. And we may add further, that it is highly important and a *duty*, that he should take this course. And unless he does, and does it too in the full purpose and sincerity of his heart, we frankly acknowledge we have no hope of a favorable issue.

Our present argument addresses itself, it will be perceived, not to the Atheist, who believes in no God, nor to the Deist, who rejects the Divine Word; nor to the mere Moralist, who weaves from the elements of his imperfect reason the web of a spurious and unsound philosophy; nor to the mere speculative believer, who gives a nominal assent to the Gospel without imbibing or recognizing its spirit; but to the real, the devoted, the humble *Christian*; to him who makes Christ his great example, and truly desires to be animated by the same spirit of sublime charity, benevolence, and forgiveness, which glowed so brightly in the bosom of the Saviour. And here we entreat the inquirer on this subject to put the question to himself. Do I in fact receive, and am I truly willing to receive the Gospel in my heart? Am I willing, that the spirit, which reigned in Christ, whatever it may be and however humbling in the estimation of the world, may reign in my own bosom? Am I truly of that pure, meek, quiet, benevolent temper, which is appropriate to the Christian character, and of which the Savior, whom I profess to follow, furnishes so illustrious an example? It cannot be doubted, that every thing depends upon the answer, which shall be given to these ques-

tions. It is a great truth, which cannot be too often and seriously insisted upon, that the Church, that the professed followers of Christ must take the lead on this subject; must investigate it and form an opinion on it *first*. While Christians are careless and stupid and hesitating in this great business, it is a matter of course, that the unbelieving world, carried away by its unholy passions and subject to its ten thousand lusts, will scoff at the doctrine of the inviolability of life and the unlawfulness of war. Let every Christian consider well, how he judges in this matter; let him come to the investigation with a humbled heart, with true meekness of disposition. If Christians come to this inquiry in the spirit of war, it will not be surprising if they imagine they find war; if they come in the spirit of peace they will undoubtedly find peace; and as Christians go, the world, the *whole* world will, either sooner or later, go with them.

In proceeding now to examine the subject of war in the light of the New Testament, we remark in the FIRST place, that war in all its forms is opposed by those numerous passages, which require men to love their fellow men.—Mat. 22: 37, 8, 9. "Jesus said unto him, Thou shalt love the Lord thy God with all thy heart, and with all thy soul, and with all thy mind. This is the first and great commandment. And the second is like unto it, Thou shalt love thy neighbor as thyself."—The Savior himself in the parable of the good Samaritan has explained, whom we are to understand by our neighbor. The commentary of the Saviour authorizes us to understand the term as including all mankind, every class and condition of men; however they may be separated from us by difference of language, by distance of country, by diversities of opinion, religion, customs, government, and political interests; however they may be, from some unpropitious circumstances, arrayed even in actual or sup-

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posed hostility. There is not, even under these circumstances, a release from the law of love. The remarks of the apostle on this subject in the 13th of Romans are of kindred import. "Owe no man anything but to love one another; for he that loveth another hath fulfilled the law. For this, Thou shalt nor commit adultery, Thou shalt not kill, &c, is briefly comprehended in this saying, namely, Thou shalt love thy neighbor as thyself. Love worketh no ill to his neighbor; therefore love is the fulfilling of the law." And again in the 13th chapter of First Corinthians, "Charity suffereth long and is kind; charity envieth not; charity vaunteth not itself, is not puffed up; doth not behave itself unseemly; *seeketh not her own; is not easily provoked; thinketh no evil. Beareth all things, believeth all things, hopeth all things, endureth all things.*"

It must be admitted, that these pacific principles are but too little accordant with the common feelings and practice of mankind. If one man reviles another, or takes his property, or injures him in his person, we may certainly expect to see decided indications of anger and retaliation. But are not such feelings and conduct inconsistent with the passages, which have been quoted? Is he, who returns anger for anger, smiting for smiting, blow for blow, justly to be regarded as imbued with the spirit of that heaven-born love, which seeketh not her own, is not easily provoked, thinketh no evil, suffereth long, beareth all things, hopeth all things, endureth all things?

In the SECOND place, the pugnacious and retaliatory spirit, in other words the spirit of war, for whatever object it may be carried on, is rebuked by those numerous passages, in which a peaceful deportment is commended, and in which the duties of peace are urged upon the early Christians. Let the reader observe carefully, and with a sincere desire to imbibe their true spirit, the ex-

pressions of our Savior in his Sermon on the Mount.—"Blessed are the poor in spirit, for theirs is the kingdom of heaven. Blessed are the meek, for they shall inherit the earth. Blessed are the merciful, for they shall obtain mercy. Blessed are the peace-makers, for they shall be called the children of God."—"Have peace one with another," Mark 9 : 50. "But the fruit of the Spirit is *love*, *joy*, *peace*, *long-suffering*, *gentleness*, *goodness*, faith, *meekness*, temperance." Galat. 5 : 22, 23. "Follow peace with all men," Heb. 12 : 14. "But the wisdom, that is from above is first pure, then peaceable, gentle and easy to be entreated, full of mercy and good fruits, without partiality, and without hypocrisy. And the fruit of righteousness is sown in peace of them that make peace," James 3 : 17, 18. "Finally, brethren, farewell. Be perfect, be of good comfort, be of one mind, live in peace ; and the God of love and peace shall be with you," 2 Cor. 13 ; 11. —Now let it be considered what course we are to pursue, and what spirit we are required to cherish in these passages. We are to be poor in spirit, to be meek, merciful, peaceable, long-suffering, gentle, and easy to be entreated. And can we seriously and candidly reflect upon the real import of such expressions, without admitting that they are altogether at variance with that temper of mind, which would prompt to acts of violence and hostility even in what we might be disposed to consider a just cause! If we were to hear of some distant individual possessing the traits indicated by these expressions, if he were described to us as a man of great humility and meekness of spirit, as a peace-maker, as merciful, gentle, and long-suffering, we certainly should receive the impression, that he would not be disposed to resort to acts of hostility, even if injurious and uncalled for attacks had been actually made upon him.

It is to be noticed, in the THIRD place, there is anoth-

er class of passages, in their import nearly identical, though opposite in expression from those which have just been brought forward, viz. those which reprove and condemn a spirit of contention and strife.—"Who will render to every man according to his deeds; unto them that are *contentious*, &c. tribulation and anguish," Rom. 2: 6—9. "Let us walk honestly as in the day, not in rioting and drunkenness, not in chambering and wantonness, *not in strife and envying*," Rom. 13: 13. "Let nothing be done through strife or vain glory; but in lowliness of mind let each esteem others better than themselves," Philip, 2: 3. "But if ye have bitter envying and strife in your hearts, glory not, and be not against the truth. This wisdom descendeth not from above, but is earthly, sensual, devilish. For where envying and strife is, there is confusion and every evil work," James 3: 14, 15, 16.—It may perhaps be said here, that in the act of self-defence we may attack, smite, and injure another, and at the same time be under the influence of truly pacific and benevolent feelings, rather than those of a different character. We do not absolutely deny the possibility of this; but we assert without hesitation that it is seldom the case. Writers on the philosophy of the mind, (among others Mr. Stewart who is exceedingly cautious in the expression of his opinions,) gives us to understand, that human nature is so constituted as to involve, as one of its fundamental laws, a correspondence between the outward sign and the inward emotion. If there is anger within, there is naturally a correspondent expression in the gesture, voice, eye, countenance. And on the other hand any violent action, or violent and agitated expression of the countenance naturally calls up an unpleasant and violent feeling within. So that if a person uses violence and enters into strife, on any occasion whatever, he may calculate upon it as something but little short

of certainty, that he will have the spirit of strife. So that the direction, requiring us not to contend and strive, even when we are injured, is wonderfully adapted to the structure of the human mind, and undoubtedly operates to the good of the individual, on whom it seems at the first sight to impose a disadvantageous restriction.

Under this head it is proper to observe, that in the New Testament we have some practical examples, some instances in real life, illustrating the manner, in which the Savior designed, that the peace-principles should be applied. On a certain time the Savior proposed with his disciples to enter a city of the Samaritans, but they refused to receive him. Luke 9 : 54, 55, "And when his disciples James and John saw this, they said, Lord, wilt thou, that we command fire to come down from heaven and consume them, even as Elias did ? But he turned, *and rebuked them, and said, ye know not what manner of spirit ye are of.*"——And again we have a practical illustration of the peace principles in Mat. 26 : 51, 2. "And behold one of them which were with Jesus stretched out his hand, and drew his sword, and struck a servant of the high priest, and smote off his ear. Then said Jesus unto him, *Put up again thy sword into its place ; for all they, that take the sword, shall perish with the sword.*"

Fourthly.—Wars of every description are rebuked, discountenanced, and condemned by that numerous class of passages of Scripture, which enjoin forbearance and patience under the trials and sufferings of life.—If we may meet evil with evil and return blow for blow, where is the propriety or pertinency of such passages as the following ; Luke 21 : 17—19, "and ye shall be hated of all men for my name's sake. But there shall not an hair of your head perish. *In your patience possess ye your souls.*" The Apostle Paul prayed to God for the Colossians, that they might be " strengthened with all might,

according to his glorious power, *unto all patience and long-suffering with joyfulness.*" What can be more striking or pertinent to the matter in hand than the following explicit passage; 1 Peter 2 : 19—23, "For this is thank-worthy, if a man for conscience toward God endure grief, suffering wrongfully. For what glory is it, if when ye be buffetted for your faults, ye shall take it patiently? *But if, when ye do well, and suffer for it, ye take it patiently, this is acceptable with God. For even hereunto were you called;* because Christ also suffered for us, leaving us an example, that ye should follow his steps; who did no sin, neither was guile found in his mouth; who, when he was reviled, reviled not again; when he suffered, he threatened not, but committed himself to him, that judgeth righteously." It is not necessary to repeat other passages of the same import, nor do they require any comment.—Their spirit is too express and obvious to be mistaken.

Fifth.—Those passages, which assert a change and renovation of our natures, obviously imply the subjection or eradication of those principles, which are of a hostile and retaliatory tendency.—2 Cor. 5 : 17, "Therefore if any man be in Christ, he is a new creature; old things are passed away; behold, all things are become new." It appears obviously from the following passages, that one of the elements of the new life, one of the characteristics of the new creature just spoken of, is a quiet and pacific disposition. 1 Cor. 3 : 3, "For ye are yet carnal: for whereas there is among you envying, and strife, and division, are ye not carnal, and walk as men"? Gal. 5 : 19—22. "Now the works of the flesh are manifest, which are these, adultery, &c,—hatred, variance, emulation, wrath, strife, sedition, heresies, envyings, murders, drunkenness, revellings, and such like, of the which I tell you before, as I have told you in time past, that

they, which do such things, shall not inherit the kingdom of God. But the fruit of the Spirit is love, joy, peace, long-suffering, gentleness, goodness, faith." James iv : 1. "From whence come wars and fightings among you? Come they not hence, even of your lusts that war in your own members?" It is obvious from these passages and others like them, that the spirit of violence and strife, (no matter on what occasion it may be called forth,) is an element of the old man, whom we are required to put off with his deeds; and that a truly pacific disposition, is an element of the new man, an indispensable characteristic of a state of regeneracy.

Let us, in the SIXTH place, set before us the example of our blessed Savior, and see what that will teach us. ——We presume it is not necessary to go into details, in order to show what this example is. The Savior came into the world on an errand of mercy; from his early childhood he went about doing good; he every where, at all times and in all places, exhibited the most tender compassion and benevolence; he healed the sick, unstopped the ears of the deaf, restored the sight of the blind, raised the dead; when reviled, he reviled not again; but in every situation, and under the greatest insults and injuries, he exhibited the most wonderful patience, meekness, and love. When hurried by the infuriated multitude to the brow of a precipice, he took no other measures of resistance or of retribution, but simply to escape from them. When the disciples were disposed to employ violent measures in his defence, he disapproved of the course they proposed to take. He told Peter to put up his sword into his sheath; and healed the servant of the High Priest, whom that disciple had wounded. When Pilate reproached Him with being delivered up by the people and priests of his own nation, he answered in these remarkable and decisive words,

which ought to be deeply engraven on every one's memory, "*My kingdom is not of this world. If my kingdom were of this world, then would my servants fight, that I should not be delivered to the Jews; but now is my kingdom not from hence.*" Amid all the agonies of the garden and the Cross, he exhibited no disposition to complain against his enemies. His language was, (in strict accordance with his own divine precepts,) "Father, forgive them, for they know not what they do."

Now we are told, that Christ is set before us to be our example; we are required to walk in his footsteps; we are directed to consider the Apostle and High Priest of our profession, who endured such contradiction of sinners against himself, lest we be wearied and faint in our minds. And how a man, who truly takes Christ for his example, can engage in war of any kind whatever, is more than we can understand. It is impossible.

SEVENTH.—If it is necessary to say anything further in order to convince the humble and candid inquirer of the unlawfulness and iniquity of all wars, we may introduce also, as still more decisive than those already brought forward, the numerous passages, which require forgiveness of injuries, and the love of our enemies.—We request the particular attention of the reader to the three following passages. Coloss. 3 : 12, 13.—"Put on, therefore, as the elect of God, holy and beloved, bowels of mercies, kindness, humbleness of mind, meekness, long-suffering, forbearing one another and forgiving one another, if any man have a quarrel against any: even as Christ forgave you, so also do ye." Romans 12 : 19, 20, 21, "Dearly beloved, avenge not yourselves, but rather give place unto wrath; for it is written, vengeance is mine; I will repay, saith the Lord. Therefore, if thine enemy hunger, feed him; if he thirst, give him drink; for in so doing thou shalt heap coals of fire on his head.

Be not overcome with evil, but overcome evil with good." Matt. 5: 38—46. "Ye have heard that it hath been said, an eye for an eye, and a tooth for a tooth. But I say unto you, that ye resist not evil; but whosoever shall smite thee on thy right cheek, turn to him the other also. And if any man will sue thee at the law, and take away thy coat, let him have thy cloak also. And whosoever shall compel thee to go a mile, go with him twain. Give to him that asketh thee, and from him that would borrow of thee, turn not thou away. Ye have heard that it hath been said, thou shalt love thy neighbor, and hate thine enemy. But I say unto you, love your enemies, bless them that curse you, do good to them that hate you, and pray for them which despitefully use you, and persecute you. That ye may be the children of your father which is in heaven; for he maketh his sun to rise on the evil and on the good, and sendeth rain on the just and on the unjust.—For if ye love them that love you, what reward have ye?"

EIGHTH.—It might perhaps be objected to the numerous passages, which have been brought forward, that they do not *directly* condemn and forbid war, but only condemn and forbid those dispositions, which lead to war, and require those of an opposite kind. But this objection will have but little weight, when it is considered, that it is an obvious dictate of common sense, that, if the means, which are absolutely requisite to a particular end, are condemned and forbidden, the end itself is forbidden. Now we are required to be meek, patient, forgiving, not to avenge ourselves, and to love our enemies; and if these dispositions are obviously and absolutely inconsistent with war, as they undeniably are, then war is just as much forbidden, as if it were said so in the most express and the fewest terms possible. The objection has not the least weight.

But this is not all. We may take the higher ground, that war is not only indirectly but directly forbidden. The express commands to love our enemies, not to avenge ourselves, when smitten on the one cheek to turn the other, and to recompense to no man evil for evil, are not on any fair construction of them, to be regarded as commands merely indirectly and remotely prohibitory of war; they are direct and positive prohibitions; they lay the axe at the root; they prohibit as decisively and positively, as any thing can, all acts of retaliation and violence. But there is one command more, which will perhaps come nearer to the popular notion of a direct and positive prohibition. It is, *Thou shalt not kill.* Something has already been said in relation to this commandment; but we shall take another occasion, in connection with capital punishments, to remark more fully upon it. All we have to say now is, that this command was first given in the Tables of the Moral Law, and given too without limitation. It expresses the absolute inviolability of human life, subject only to the permission and control of the Supreme Being. That God, acting as the civil ruler of the Jews, subsequently gave permission to take life in certain cases, and to carry on war for certain purposes, is not denied. But it will be recollected, that this command is reenacted and solemnly confirmed in the New Testament by the Savior himself *without any exception whatever.* Mat. 5. 21, "Ye have heard, that it was said by them of old time, *Thou shalt not kill;* and whosoever shall kill shall be in danger of the judgment; but I say unto you, that whosoever is angry with his brother without a cause shall be in danger of the judgment; and whosoever shall say to his brother, Raca, shall be in danger of the council; but whosoever shall say, Thou fool, shall be in danger of hell-fire." Now the exceptions in the Old Testament to the great command of the

Decalogue, upon which we are remarking, are to be found in the political and civil code of the Jews. In respect to this code, no one doubts, that it was designed to be temporary. At the coming of Christ, so far as it was a matter of divine enactment and rested upon divine authority, it was wholly done away ; and the original law of Mount Sinai, after it was recognized and confirmed by the Savior, took full effect. THOU SHALT NOT KILL, therefore, is binding upon all since the time of Christ ; it is as obligatory upon the present, as upon any preceding generation ; and in vain do we look in the New Testament for any suspension of its action, or any mitigation of its import.

Nor are these the only passages, which may be regarded as express prohibitions. "Since the time, (says the learned Erasmus,) that Jesus Christ said, Put up thy sword into its scabbard, Christians *ought not to go to war.* Christ suffered Peter to fall into an error in this matter, on purpose that when he had put up Peter's sword, it might remain no longer a doubt, *that war was prohibited.*"* ——Nor is this all. The saying of the Savior to Pilate, that, if my kingdom were of this world, then would my servants fight, is equivalent to saying, that my servants do not fight, because my kingdom is not a worldly kingdom. This passage is also a direct, and not merely an indirect prohibition of war.

But there is one more passage, to which particular attention is requested. Heb. 12 : 14, "*Follow peace with all men.*" It will be noticed, it is not said, you must follow peace with your own countrymen, but may fight with a foreigner ; that you must be at peace with your friend, but may kill your enemy. No such thing as this. But you must follow peace with *all* men. You are not at liberty to make distinctions and to say, I will be at peace

* As quoted in Dymond's Essays on the Principles of Morality.

with one man, and will contend with another; the command is as wide as the world; it embraces all classes of men; it requires us to be at peace with all without any exception whatever.——But furthermore, there is something peculiar in this precept, as it stands in the original. The Greek verb is DIOKETE. It is the same, that is used by the Apostle Paul, where he speaks of *pressing* towards the mark. It expresses, not only the doing of a thing, but doing it with zeal, with energy, with the whole power of heart and intellect. The expression is one, that is commonly applied to the combatants, the runners and charioteers of the great Grecian games. What earnestness there is in their countenance! How every nerve and muscle is urged to the highest exercise! How they bend forward as upon the wings of the wind! Life itself is nothing in comparison with the object before them. It is in this manner we are required to practise peace; not to submit to it merely as a burden to be borne, but to seek it as an object of the greatest love; not to abandon it, because it will sometimes cost us inconvenience and expense, but to pursue it at every outlay of exertion and at every hazard of life. The charioteers of Greece would joyfully have died, rather than have lost their object; and so we must die, lose any thing and every thing, rather than lose the triumphal crown of peace.

FINALLY.——In addition to what has been said, we shall find a further and powerful argument in support of the doctrine, that all wars are prohibited by the precepts and spirit of the New Testament, *in the nature of prayer*. Prayer is a duty which our natural reason tells us we owe to the Supreme Being, and which we should be bound to perform, even if we were destitute of Revelation. But in the Scriptures it is constantly enforced upon us; we are required by the word of God to pray al-

ways; to perform all our intelligent and moral acts in the spirit of supplication. And we do not hesitate in the remark, that to an enlightened and conscientious Christian prayer may be made one of the most certain tests of the rectitude of the course, which he proposes to take. If such a person cannot pray over what he propeses to do, if he cannot ask God's blessing upon it, he may safely come to the conclusion, that there is something wrong in it. And it may be asked, therefore, with great emphasis and great meaning, what sort of a prayer could a soldier offer, when going into battle? We must remember in answering this question, that his prayer must be offered, not in the spirit of the light of nature, perhaps we may say not in the spirit even of the Old Testament, but in the spirit of the Gospel. And what spirit does the Gospel require us to exercise towards others, even those whom we correctly regard as our enemies? We have already seen. "Love your enemies. Do good to them which hate you. Bless them that curse you, and pray for them, which despitefully use you. And ye shall be the children of the Highest; for he is kind unto the unthankful and to the evil. Be ye therefore merciful, as your Father is merciful. Dearly beloved, avenge not yourselves, but rather give place unto wrath, for it is written, Vengeance is mine; I will repay, saith the Lord. Therefore, if thine enemy hunger, feed him; if he thirst, give him drink. Be not overcome with evil, but overcome evil with good."

God commands the soldier, as well as others, to do good to those who hate him, to love his enemies, to be merciful, not to avenge; but, in compliance with that great requisition, which is also binding upon him as well as upon others, to pray, and to ask God's blessing on all we do, he asks, (or rather he hypocritically *professes* to ask,) the divine blessing in smiting, piercing, maiming,

striking to the earth, and sending into eternity those, whom he is expressly required to love, to feed, and to pray for. Can such a prayer be accepted? Can it be offered with the least sincerity by one, who has any correct understanding of the New Testament? Will it not freeze and wither upon his lips?

It is not long since, that we were looking over the life of the celebrated Suwarrow; and our attention was attracted by certain directions to soldiers, commonly known as *Suwarrow's Catechism.* It would be well for the advocates of war to compare this celebrated production, which has been a great favorite of the Russian armies, with the Savior's Sermon on the Mount. What the sermon on the Mount is, every one knows; it breathes nothing but meekness, peace, and love. But what says the Catechism of Suwarrow? "Push hard with the bayonet. The ball will lose its way; the bayonet never. The ball is a fool; the bayonet a hero. Stabb once! And off with the Turk from the bayonet! stabb the second! stabb the third! A hero will stabb half a dozen! If three attack you, stabb the first, fire on the second, and bayonet the third!"——This is the spirit of war. These are the directions of a great warrior. And now we ask again, can the spirit of humble, penitent, and benevolent supplication exist in connection with such a temper of mind as is indicated here?

In view of the considerations and the passages of Scripture, which have been brought forward in this Chapter, we put the serious inquiry, whether, as professed followers of Christ, whether as believers in that new and glorious Gospel which he came to announce, we are not to regard all wars as entirely prohibited, and as utterly wrong and sinful? We are aware it is easy to cavil; it is easy to make objections, where the path is as clear as meridian day; but we address ourselves now to

those, who truly take the Gospel for their guide, and who, with a humble and prayerful spirit, are willing to go, wherever it may lead. We have no doubt what answer they will give. Let them, then, speedily awake on this momentous subject. We fear that Christians have been sadly blinded, not only on the subject of war in general, but in respect to all acts of retaliation and violence. We entreat them to pause as one man, to take the Bible into their hands, (particularly the exalted and completed Revelation of the New Testament,) and examining it with the utmost care, to consider, with deep solicitude, where they have been going, and what they have been doing.

CHAPTER ELEVENTH.

OBJECTIONS DRAWN FROM THE NEW TESTAMENT.

In the last chapter it was made to appear by a reference to the New Testament, that wars of every description are unlawful. We are aware, however, that some few things may be said, not altogether destitute of plausibility, by way of objection to what has been adduced. In the first place, it is objected, that the precepts of the New Testament are of individual, and not of national application; that they relate to men, in their private and not in their social and corporate capacity.—We need not be at a loss for an answer, (and what we conceive to be an ample and satisfactory answer,) to this objection.

The answer is to be found in the arrangements and methods of reasoning, adopted in those Treatises, which especially relate to the duties and intercourse of nations.

In all complete Treatises on the Law of Nations, we find the distinction, (undoubtedly insisted upon much more at length in some than in others,) into the Natural and Conventional Law. The natural law of nations is that portion of the Law of Nations, which is founded in *nature*; by which is universally understood to be meant, that it is founded in the constitution or nature of man. In other words, the whole reasoning, running through this portion of the Law of Nations, is based upon this single principle, that, as nations are composed of individuals, whatever is right or wrong in individuals, is also right or wrong in nations, acting under similar circumstances. The natural reason and conscience of man, judging as to what is right or wrong in his own individual conduct, is the standard, which the writer on this portion of the Law of Nations constantly refers to, in attempting to prescribe the path of international action. But since the introduction of the Gospel, men are placed under a new dispensation, superadded to, and far above that of mere unaided nature. If there are some things, which are permitted by the light of nature, but are forbidden by the Gospel, no one can doubt, that their conduct in their individual capacity is now to be regulated, not by the permission of nature, but by the prohibition of Revelation. They are now placed on a higher position; not only more elevated than that formerly occupied by them, but enveloped in light; they are under a new law infinitely transcending any, of which the unaided human intellect is the source.

Now what we claim is, the right to reason and to apply principles of action, in the same way in which writers on the Law of Nations have always reasoned and

applied principles of action. They have reasoned from individuals to nations, and have applied to nations principles of action, which they claimed to be just and obligatory in the case of individuals. But if the law of individuals is altered, if God has seen fit to impart a light additional to the light of nature, thereby developing and requiring a course of conduct beyond and above what unaided nature would have indicated, then we do only what has hitherto been done, and reason as men have hitherto reasoned, when we extend these higher principles of action, which are now acknowledged to be binding upon individuals, to those communities and nations, which these individuals have formed by associating with each other. In other words, if the principles of the Gospel are binding upon men in their individual, they are also binding upon them in their social capacity.

SECONDLY.—The following passage of scripture, uttered by the Savior himself, is to be regarded in the opinion of the opposers of the non-resistance doctrine, as authorizing war.—Luke 22 : 36. "Then said he unto them, But, now, he, that hath a purse, let him take it, and likewise his scrip; *and he, that hath no sword, let him sell his garment and buy one.*" In regard to this passage we admit, that, if its import were not qualified by what took place and was said at the time of its being uttered, it would be favorable to the practice of war. It appears from what is said in the connection, that the Savior meant this saying, and that he was understood by his disciples to mean it, as a direction for immediate action; as a requisition to array themselves against the onset of some danger near at hand. Accordingly they answered him, and said, "Behold, here are two swords." And what was the answer of the Savior? "*And he said unto them, it is enough.*" Now it is to be noticed, that there were eleven persons present besides Jesus; and they

were directed, as they understood his words, to prepare for immediate warlike action. And what then could they make of his remark, that, when the danger was obviously urgent and there were eleven men prepared to meet it, *two swords were enough*. Does this look like serious military preparation? Must not the disciples have considered the Savior a singular commander, who certainly meant to carry on his warfare on principles entirely different from those, which were current in the world? In a word, does not the remark of the Savior, that two swords were enough, of itself intimate to us, that he required his disciples to get swords, in order to give them, and with no other object whatever, a living, practical, and visible illustration of the use, which his followers must make of their military arms, whenever they might happen to have them in possession? Soon afterwards a great multitude came out against the Savior with swords and staves; and Peter in the heat of his military zeal made an attack upon the opposing party, and wounded the servant of the high priest. The Saviour undoubtedly foresaw this result of his direction to his disciples to obtain swords, and he permitted it in order that he might on the spot, and in the midst of bloodshed, the more strikingly and emphatically express to his disciples and to the world his abhorrence of all resort to violence; and that he most seriously intended, that the pacific principles, which he had formerly announced, should be carried into practical effect, even under the most trying circumstances. Mark his language to Peter, as we find it recorded in the different evangelists, when he saw him using violence against the servant of the high priest. And Jesus answered and said, "suffer ye thus far? Put up thy sword into the sheath; the cup which my Father hath given to me, shall I not drink it? All they, which take the sword, shall perish by the sword. And

he touched his ear [of the wounded servant] and healed him."—We will not delay longer upon the passage, which has given occasion to these remarks. Certain it is, if we take it in connection with what follows, it affords no encouragement to acts of violence. If it may seem to authorize us to *purchase* a sword, the remarks subsequently made by the Savior evidently require us to keep it in the sheath, or at least not to use it for belligerent purposes.

THIRDLY.—It is further objected to the doctrine, that we are not permitted to engage in war of any kind, that John the Baptist did not condemn the employment of the soldiers who asked of him what they should do, but merely required of them a more upright and circumspect course of life in the discharge of the duties of that employment. Luke 3 : 14, "And the soldiers likewise demanded of him, saying, and what shall we do? And he said unto them, Do violence to no man, neither accuse any falsely; and be content with your wages." In reply to this objection we may remark, among other things, that the authority of John the Baptist, who at most had but a dim and imperfect conception of the purity and exalted nature of that dispensation of which he was the forerunner, is of no account, when placed in opposition with the precepts of Christ. We are fully justified in this remark by what the Savior himself says of John the Baptist, Matt. 11 : 11, "he, that is least in the kingdom of heaven, is greater than he."——John the Baptist belonged, in many respects at least, to the preceding state of things; his moral system, although some glimmerings of the rising light broke in upon his mind, was that of the law; he spoke in the awful and denunciatory tone of the Prophets, rather than in the forgiving and benignant utterance of the Gospel. And if it be true, that his directions to the soldiers seem to recognize their calling

as a lawful one, we must still regard them as among those things which have now passed away.

And furthermore, have we not a right to lay some stress upon those remarkable expressions, (remarkable certainly when addressed to soldiers,) *do violence to no man*. Does it not seem, (at least we will hazard the conjecture,) as if his mind was suspended and oscillating between the spirit of the two systems ; that to which he himself belonged and which he knew was passing away, and that, which was in the dim distance, coming onward and upward with its dawning light? There are some mystical and shadowy announcements, made clear not by what goes before, but by what comes after, both in the Old and New Testament, (and perhaps this is one of them,) where, as Milton says of certain sage and solemn poets of allegory, "more is meant than meets the ear." Who is prepared to say, that these expressions were not designed to be the shadowy anticipators and forerunners of that great announcement of the Savior, My kingdom is not of this world. If my kingdom were of this world, *then would my servants fight ; but now is my kingdom not from hence* ?

Fourthly.—The following passage in the 13th of Romans, where the apostle is speaking of the duty of obedience to rulers, is often brought up, in opposition to the doctrine of non-resistance. "For he is the minister of God to thee for good. But if thou do that which is evil, be afraid ; *for he beareth not the sword in vain* ; for he is the minister of God, a revenger to execute wrath upon him that doeth evil."—The reader is requested, if he wishes to have a right understanding of this passage, to read carefully this whole chapter, taken in connection with the latter part of the 12th chapter. If he will do this, he will find that this exceedingly interesting portion of scripture teaches something very different from a

spirit of strife and contention. The leading ideas contained in it are evidently these; (1) We are to exercise love and forgiveness towards all men, and under all circumstances, whatever their conduct may be towards us; (2) In the exercise of this spirit of love and forgiveness, it is incumbent upon Christians to render entire submission to the civil and political administration of the country where they reside.—Now when we consider, that the primitive Christians lived, in many instances at least, under administrations of government, which were exceedingly unjust, perverse, and cruel, the explicit and urgent directions, contained in the 13th of Romans, to be submissive and obedient to those in authority, must be regarded as anything rather than contentious and belligerent. Such directions are obviously the natural and true result of those doctrines of love and peace, which the Savior himself had so earnestly inculcated. If any people in the world ever had occasion for complaint against those in authority, and strong motives for resistance to them, it was the primitive Christians at certain periods and in certain countries; but they were required not to resist, not to return evil for evil, to endure every indignity and suffering even to death itself, rather than lift the hand against the civil rulers. It is in connection with the announcement of the duty of unreserved submission to rulers, that the magistrate is spoken of as being the minister of God, and as not "bearing the sword in vain." These last expressions are obviously figurative, and convey the simple fact and nothing more, that the magistrates were both able, and had the disposition to enforce the civil and criminal jurisdiction of the country. In nine cases out of ten, and probably in ninety nine out of an hundred, the sword was not used as an instrument of punishment; which of itself, independently of the obvious spirit of the whole passage, requires us

to understand the words in question in a general sense, and as expressive, not of a particular mode of punishment, viz. by the sword, but of the mere general fact of the efficiency of the established civil and criminal jurisdiction.—That jurisdiction was not to be trifled with; the laws of the land were to be conformed to; civil society in its great outlines was to be maintained; it existed with the approbation of God; its authority was to be scrupulously obeyed by Christians, not because that authority was exercised in all respects as it ought to be, but because resistance on the part of Christians, when the magistrate was armed with the sword or had power to enforce it, necessarily implied violence, which was inconsistent with Christian principles.

FIFTH.—It may be objected further, that in Matthew 5: 21, where the command, THOU SHALT NOT KILL, is repeated and enforced, the Greek verb PHONEUO does not express the mere fact of putting men to death, and that *only*; but conveys the additional idea of premeditated and criminal homicide. But the truth is, that this term is used in both ways; sometimes to express the mere fact of putting to death without any additional intimation; and sometimes the putting to death in that particular way, which constitutes the crime of murder. Schleusner, who may be regarded as good authority on such a subject, expressly applies it, not only to the person who is guilty of murder or criminal homicide, but to one, who is the cause of death in any manner whatever, "*auctor mortis alicujus quocunque modo.*" In this latter sense it is used frequently in the Septuagint. See Numb. 35: 6, 11, 12, 25, 26, 27, 28, 30, Deut. 4: 42. 5: 17, 19: 6, Joshua 10: 28, 35, 20: 5, 6, 21: 13, 21, 27, 32, 38, second Chron. 25: 3, Ps. 62: 3, Prov. 22: 13. Biblical scholars, who are familiar with the characteristics of the Greek of the New Testament, will understand the propriety of this reference to the Septuagint.

But the passage in the 5th of Matthew, which has been particularly referred to, is in strictness to be regarded as a mere translation of the 6th Commandment; and any question in respect to this passage is to be determined by a reference to the Hebrew verb used in that Commandment. The remark, already made in respect to the Greek verb PHONEUO, will apply equally well to the Hebrew verb RATZAH, which is there used; viz, that it sometimes means to kill, in the general and unlimited sense of taking life, and sometimes to murder. In proof of the meaning first mentioned, we may properly refer among other passages to Prov. 22 : 13. "The slothful man saith, there is a lion without; I *shall be slain* in the streets." Here the Hebrew verb RATZAH is used in the passive form. But this certainly, the death occasioned by a lion, cannot be regarded as a case of criminal homicide, but of mere extinction of life.——Numb. 35 : 30, "Whosoever killeth any person, the murderer shall be put to death." The word *murderer* and the phrase PUT TO DEATH are the same words in the original, both being only different forms of the Hebrew verb in question; the first expressing criminal homicide, the second putting to death without guilt.—See also Numb. 35: 11, 12, 19, 21, 25, 26, 27, Deut. 4 : 42, 19 : 6, Joshua 20 : 5, 6, 21 : 13, &c.——Both terms, therefore, the Greek PHONEUO and the Hebrew RATZAH mean primarily to kill, although they not unfrequently mean to murder, or to kill with evil intention. And it seems proper to use them in the general sense, unless there is something in the connection, which satisfactorily indicates, that they are to be employed in the more limited one.

SIXTH.—There is one other passage, which requires to be noticed. Rev. 13 : 10, "*He, that leadeth into captivity, shall go into captivity; he, that killeth by the sword, must be killed by the sword. Here is the patience and the faith of the*

saints." In order to understand this passage, we must look at the connection. The author of the Apocalyptic vision saw the symbolic representation of one of the most dreadful persecutions, which Christians were ever called to endure. The idolaters of the Roman empire were permitted to make war "with the saints and to overcome them." And profane history relates, with what cruelty they prosecuted their victory, and what indescribable sufferings were inflicted upon those, who bore the blessed name of the Savior. It is in this connection, that the attention of the whole Christian world is particularly requested by that impressive form of address, which is so frequently employed in the book of Revelation, when any thing of importance is to be announced, viz, "If any man have an ear, let him hear." Then follow the words, to which we are attending, "He, that leadeth into captivity," &c. And what is the object of this announcement thus solemnly made? It was to let christians know, that, amid all their unspeakable sorrows, their God had not forgotten them; that the day of retribution would surely come; that those, who now so cruelly wasted them with the sword and the chain, would, under the administration of God's righteous Providence, be doomed in their own turn to suffer the miseries, which they were now so cruelly inflicting on the innocent followers of Jesus Christ. This interpretation seems to be rendered clear by the concluding paragraph, viz. "here is the patience and the faith of the saints." The word, which is rendered *here*, will bear the interpretation *herein* or *on this account*, (IN HAC RE, as Rosenmueller has it.) That is to say, in consequence of the announcement, that the sword and captivity will ultimately in God's righteous Providence overtake their unholy persecutors, the saints are to continue to exercise faith and patience. And by implication the passage evidently re-

quires them not to resist their enemies, but to submit quietly and meekly to the dreadful inflictions, to which they were subject, trusting all their troubles into the hands of God, as their great and ultimate avenger. In other words, their faith and patience are based and stand firm in this, viz, there is a just God and a day of retribution coming upon their enemies. In other words, "Avenge not yourselves; vengeance is mine; I will repay, saith the Lord."

The foregoing are the prominent objections, so far as we have been able to learn, which have been brought forward, in opposition to the Christian doctrine of the unlawfulness of all war. It is true there are some others, but they are so obviously inapplicable and weak, that they betray the utter unsoundness of the cause they are introduced to support.—For instance, it is said, that Paul, when certain Jews laid in wait for him to take away his life, accepted, (or as Grotius has it,) "did not refuse" the protection of a body of soldiers, and did not state to the Tribune and soldiers, that the bearing of arms was displeasing to God, which he ought in good conscience to have done, if he believed it to be so.—Upon this shadow of an argument, it is enough merely to say, that it was not in the option of Paul either to refuse or not to refuse. He was in close custody, as an accused person; and far from being in a situation to prescribe terms of action or forbearance of action to such civil and military rulers as the Romans. He well knew, that he had nothing to do but to submit, and to submit quietly, which was in accordance with his own doctrine of the necessity and duty of obedience to rulers. It is true that it was undoubtedly his duty to preach peace, love, forbearance, and forgiveness on all suitable occasions; and there is no evidence that he neglected to do so on the occasion now referred to; on the contrary it is rather

probable, if it is worth while to offer mere conjectures and guesses in this matter, that, as he himself was in his own person the subject of unjust detention and violence, he took the opportunity to impress on his attendants the cruelty and unlawfulness of their warlike calling.

Again, it is said, that the Centurion in the 10th chap. of Acts, who is so favorably spoken of for his prayers and alms, was baptized and was recognized as a Christian, without being required to lay aside his military profession. It will be noticed, that this argument, if such it may be called, is based, like the preceding, not upon any thing *positively* done or said; not upon any precept or injunction expressly given; but upon a mere negation, a mere absence of testimony. Such an argument may have just as much weight, or as little weight as any one chooses to give it, since it is in its very nature wholly conjectural. Whether the apostle Peter, who was the person commissioned to instruct the Centurion in the principles of the Christian religion, did, or did not attempt to explain to him the inconsistency of the practice of war with those principles, cannot now be known. It is probable, that the Centurion was amply instructed in respect to the pacific nature of the Gospel; that it implied unspeakable love in its Author and required perfect love in those who adopt it; and if he was left to make the practical application of these instructions to his particular situation and calling, it was certainly nobody's fault but his own, if he lived any longer a soldier.

We now leave the subject, so far as it depends on the doctrines of the New Testament, to the candid consideration of the reader. As the discussion, by the admission of all parties, rests chiefly and ultimately upon the Gospel, we ask him to examine it *in the spirit of the Gospel.* Let him subdue the elements of war in his own bosom; let him discipline his wayward heart to the

high doctrine of perfect love ; and then, in the spirit of deep humility and fervent prayer, let him take up the New Testament, and see how much warrant he will find for the shedding of human blood! How much authority he will discover for that course of hostility, violence, and revenge, which have made this fair world one great Aceldama, one vast and horrid place of execution, a reeking and smoking slaughter-house. We doubt not, that the time will sooner or later come, when there will be but one opinion on this all-important subject. And shall Christians any longer delay the investigation of it! Shall they sit supinely in their easy chairs, or walk softly and mincingly to their pulpits, and dream pleasant dreams, and utter soft sayings as when one playeth on a pleasant instrument, when shrieks and groans arise on every side, and the garments of their brethren are still rolled in blood! Let them pause and consider! The Gospel has an impress of its own ; it is a distinct entity, a grand and effective fact in the administration of the universe ; it has its own character and relations ; and is not, as some would seem to imagine, a mere Metempsychosis of heathenism, ushering itself into the world under the patronage of a new and lovely name.

CHAPTER TWELFTH.

TESTIMONY AND PRACTICE OF THE PRIMITIVE CHRISTIANS.

We hold the argument from the New Testament to be entirely satisfactory and conclusive in itself. We maintain, that it stands, unshakenly immovable on its own basis, without depending on collateral and adventitious aid. But still we are not at liberty to reject such aid; but are to avail ourselves of every incidental circumstance, which may tend to communicate light and strength. The minds of different individuals are in some respects differently constituted. And in the conflict of argument, a single circumstance, (perhaps a slight and unimportant one in itself,) may establish some minds in a correct result, who, without that particular view of the subject, would never have arrived at it.

Hence before quitting the subject, we are led to suggest another consideration. We naturally inquire, how did the Primitive Christians understand the subject? What was the impression of those, who stood nearest to the times of Christ, as to what was expected of his followers? Did they, with the example of the Savior and of the first disciples and Apostles so directly before them, feel at liberty to gird on the sword and to engage in the dreadful business of shedding human blood? If they did not, then the conclusion at which we have arrived, unanswerably strong as it is in itself, receives new strength,

and we are encouraged to act upon it with the greater confidence.

The statements, which follow, are taken from Clarkson's Essay on the Doctrines and Practice of the early Christians as they relate to War. They conclusively show, that the early Christians generally considered war as unlawful, and declined serving as soldiers. We say *generally*, because there are some expressions in Tertullian and Eusebius, that escaped the notice of Clarkson, which seem to indicate, that, about the year 174, there were some Christian soldiers in the Roman army. But such instances were exceptions to the general rule. They seldom occurred; and for the first century and a half at least, we may undoubtedly pronounce the Christian Church as a body, although there were some exceptions, clear of the unspeakable sin of slaughtering their fellow men in war. The extract which follows relates to two distinct points, viz, the Opinions or Doctrines of the early Christian writers on the subject of war, and the Practice of those who became Christians.

First.—"With respect to the Opinions of the first Christian Writers after the Apostles, or of those who are usually called the Fathers of the Church, relative to War, I believe we shall find them alike for nearly three hundred years, if not for a longer period. Justin the Martyr, one of the earliest of those in the second century, *considers war as unlawful.* He makes, also, *the devil the author of all war.*

Tatian, who was the disciple of Justin, in his oration to the Greeks, speaks in the same terms on the same subject.

From the different expressions of Clemens, of Alexandria, a contemporary of the latter, we collect his opinion to be decisive also against the lawfulness of war.

Tertullian, who may be mentioned next in order of

time, strongly condemned the practice of bearing arms. I shall give one or two extracts from him on this subject. In his Dissertation "on the Worship of Idols," he says, "Though the soldiers came to John and received a certain form to be observed, and though the centurion believed, yet Jesus Christ, by disarming Peter, disarmed every soldier afterward; for custom never sanctions an unlawful act." And in his "Soldier's Garland," he says, "Can a soldier's life be lawful, when Christ has pronounced, that he, who lives by the sword, shall perish by the sword? Can one, who professes the peaceable doctrines of the Gospel, be a soldier, when it is his duty not so much as to go to law? And *shall he, who is not to revenge his own wrongs, be instrumental in bringing others into chains, imprisonment, torment, death?*

CYPRIAN, in his Epistle to Donatus, speaks thus—"Suppose thyself with me on the top of some very exalted eminence, and from thence looking down upon the appearances of things below. Let our prospect take in the whole horizon, and let us view, with the indifference of persons not concerned in them, the various motions and agitations of human life. Thou wilt then, I dare say, have a real compassion for the circumstances of mankind, and for the posture in which this view will represent them. And when thou reflectest upon thy condition, thy thoughts will rise in transports of gratitude and praise to God for having made thy escape from the pollutions of the world. The things thou wilt principally observe will be the highways beset with robbers, the seas with pirates; encampments, marches, and all the terrible forms of war and bloodshed. When a single murder is committed it shall be deemed, perhaps, a crime; but that crime shall commence a virtue, when committed under the shelter of public authority: so that punishment is not rated by the measure of guilt; but the

more enormous the size of the wickedness is, so much the greater is the chance of impunity."

These are the sentiments of CYPRIAN; and that they were the result of his views of Christianity, as taken from the divine writings, there can be no doubt. If he had stood upon the same eminence, and beheld the same sights, previously to his conversion, he would, like others, have neither thought piracy dishonorable, nor war inglorious.

LACTANTIUS, who lived some time after Cyprian, in his Treatise concerning the true worship of God, says, "It can never be lawful for a righteous man to go to war, whose warfare is in righteousness itself."

To these may be added Archelaus, Ambrose, Chrysostom, Jerom, and Cyril, all of whom were of opinion, that it was unlawful for Christians to go to war.

SECOND.—With respect to the Practice of the early Christians, which is the next point to be considered, it may be observed, that there is no well authenticated instance upon record of Christians entering into the army for nearly the two first centuries; but it is true, on the other hand, that they had declined the military profession, as one in which it was not lawful for them to engage.

The first species of evidence to this point may be found in the following facts, which reach from about the year 170, to about the year 195. Cassius had rebelled against the Emperor Verus, and was slain in a short time afterwards. Clodius Albinus in one part of the world, and Pescennius Niger in another, had rebelled against the Emperor Severus, and both were slain. Now suspicion fell, as it always did in these times, if any thing went wrong, upon the Christians, as having been concerned upon these occasions. But Tertullian tells us, in

his "Discourse to Scapula," that this suspicion was totally groundless. "You defamed us," (Christians) says he, "by charging us with having been guilty of treason to our emperors, but not a Christian could be found in any of the rebel armies, whether commanded by Cassius, Albinus, or Niger." These, then, are important facts, for the armies in question were very extensive. Cassius was master of all Syria with its four Legions; Niger, of the Asiatic and Egyptian Legions; and Albinus, of those of Britain; which Legions together contained between a third and a half of the standing Legions of Rome: and the circumstance, that no Christian was to be found in them, is the more remarkable, because, according to the same Tertullian, Christianity had then spread over almost the whole of the known world.

A second species of evidence may be collected from expressions and declarations in the works of certain authors of those times. Justin the Martyr, and Tatian, make distinctions between soldiers and Christians; and Clemens, of Alexandria, gives the Christians, who were contemporary with him, the appellation of the "*Peaceable*," thus distinguishing them from others of the world; and he says expressly, that the "Peaceable" never used sword or bow, meaning by these the instruments of war.

A third species of evidence, may be found in the belief, which the writers of these times had, that the Prophecy of Isaiah, which predicted that men should turn their swords into plough-shares and their spears into pruning-hooks, was then in the act of completion.

Irenæus, who flourished about the year 180, affirms that this famous Prophecy had been completed in his time; "for the Christians," says he, "have changed their swords and their lances into instruments of peace, and *they know not how to fight*." Justin the Martyr, who was contemporary with Irenæus, asserts the same thing,

which he could not have done, if the Christians in his time had engaged in war. "That the Prophecy," says he, "is fulfilled, you have good reason to believe; for *we, who in times past killed one another, do not now fight with our enemies.*" And here it is observable, that the Greek word "*fight*" does not mean to strike, or to beat, or to give a blow, but actually to *fight as in war;* and the Greek word "*enemy,*" does not mean a private adversary, or one who has injured us, but *an enemy of the State*; and the sentence, which follows that which has been given, puts the matter out of all doubt. Tertullian, who lived after both, speaks in these remarkable words—"Deny that these (meaning the turning of swords into plough-shares) are the things prophesied of, when you see what you see, or that they are the things fulfilled when you read what you read; but if you deny neither of these positions, then you must confess that the Prophecy has been accomplished, as far as the practice of every individual is concerned, to whom it is applicable." We might go from Tertullian even as far as Theodoret, if it were necessary, to shew that the Prophecy in question was considered as in the act of completion in those times.

The fourth and last species of evidence may be found in the assertions of Celsus, and in the reply of Origen to that writer. Celsus, who lived at the end of the second century, attacked the Christian Religion. He made it one of his charges against the Christians, that they refused in his times to bear arms for the Emperor, even in the case of necessity, and when their services would have been accepted. He told them further, that if the rest of the Empire were of their opinion, it would soon be overrun by the Barbarians. Now Celsus dared not have brought this charge against the Christians, if the fact had not been publicly known. But let us see whether it was denied by those who were of opinion that his

work demanded a reply. The person, who wrote against him in favour of Christianity, was Origen, who lived in the third century. But Origen, in his answer, admits the facts as stated by Celsus, that the Christians would not bear arms in his time, and justifies them for refusing the practice on the principle of the unlawfulness of war.

And as the early Christians would not enter into the armies, so there is good ground to suppose that, when they became converted there, they relinquished their profession. We find from Tertullian, in his "Soldier's Garland," that many in his time, immediately on their conversion to Christianity, quitted the military service. We are told, also, by Archelaus, who flourished under Probus in the year 278, that many Roman soldiers, who had embraced Christianity after having witnessed the piety and generosity of Marcellus, immediately forsook the profession of arms. We are told, also, by Eusebius, that about the same time "numbers laid aside a military life, and became private persons rather than abjure their religion."

Here then is a collection of evidence and facts, all tending to show, that for nearly the first two hundred years after the introduction of Christianity into the world, none of those, who professed to be Christians, would either take upon themselves, or continue the profession of soldiers."

Mr. Clarkson then considers an objection, which will be likely to be made, viz, that the military oath, which the Roman soldiers were required to take, was full of Idolatry; that the Roman standards were considered as gods, and had divine honours paid to them; and that the Christians of that time refused to serve as soldiers, not because they objected to war in itself, but because they objected to the idolatry connected with it. Mr. Clarkson admits, that there is some weight in this objec-

tion; he does not deny, that the idolatrous customs and tests of the Roman armies operated to the exclusion of Christians; but he very properly maintains, that this was not the only cause of their exclusion, and goes on still more fully to show that a leading cause was the belief of Christians in the unlawfulness of war *in itself considered*. He remarks as follows.—"Every Christian writer of the second century, who notices the subject, makes it unlawful for Christians to bear arms. And as this belief seems to have been universal, so it operated as an impediment to a military life, quite as much as the idolatry that was connected with it, of which the following instances, taken by way of illustration, though at somewhat different periods, may suffice.

The first I propose to mention shall be, where there was an objection to entering into the military service upon this very principle.

Maximilian having been brought before the tribunal, in order to be enrolled as a Soldier, Dion, the Proconsul, asked him his name. Maximilian, turning to him, replied, "Why wouldst thou know my name? I am a Christian and cannot fight."

Then Dion ordered him to be enrolled, and when he was enrolled, it was recited out of the Register, that he was five feet ten inches high. Immediately after this, Dion bade the officer mark him. But Maximilian refused to be marked, still asserting that he was a Christian; upon which Dion instantly replied, "Bear arms, or thou shalt die."

To this Maximilian answered, "I cannot fight, if I die; I am not a soldier of this world, but a soldier of God." Dion then said, "Who has persuaded thee to behave thus?" Maximilian answered, "My own mind, and he who called me." Dion then spoke to his father, and bade him persuade his son. But his father observed,

that his son knew his own mind, and what it was best for him to do.

After this had passed, Dion addressed Maximilian, again in these words, "Take thy arms, and receive the mark." "I can receive," says Maximilian, "no such mark. I have already the mark of Christ;" upon which Dion said, "I will send thee quickly to thy Christ:" "Thou mayest do so," says Maximilian; "but the glory will be mine."

Dion then bade the officer mark him. But Maximilian still persisted in refusing; and spoke thus: "I cannot receive the mark of this world, and if thou shouldst give me the mark, I will destroy it. It will avail nothing. I am a Christian, and it is not lawful for me to wear such a mark about my neck, when I have received the saving mark of the Lord Jesus Christ, the Son of the living God, whom thou knowest not, who died to give us life, and whom God gave for our sins. Him all we Christians obey.—Him we follow, as the Restorer of our life, and the Author of our salvation."

Dion instantly replied to this, "Take thy arms, and receive the mark, or thou shalt suffer a miserable death." —"But I shall not perish," says Maximilian, "my name is already enrolled with Christ,—I cannot fight."

Dion said, "Consider then thy youth, and bear arms. The profession of arms becomes a young man." Maximilian replied, "My arms are with the Lord. I cannot fight for any earthly consideration. I am now a Christian".

Dion, the Proconsul, said, "Among the Life Guards of our masters, Dioclesian and Maximilian, and Constantius and Maximus, there are christian soldiers, and they fight." Maximilian answered, "They know best what is expedient for them; but I am a Christian, and it is unlawful to do evil."

Dion said, "Take thy arms; despise not the profession of a soldier, lest thou perish miserably."—"But I shall not perish," says Maximilian; "and if I should leave this world, my soul will live with Christ the Lord."

Dion then ordered his name to be struck from the roll; and, when this was done, he proceeded, "Because out of thy rebellious spirit, thou hast refused to bear arms, thou shalt be punished according to thy deserts, for an example to others;" and then he delivered the following sentence: "Maximilian! because thou hast, with a rebellious spirit, refused to bear arms, thou art to die by the sword."—Maximilian replied, "Thanks be to God."

He was twenty years, three months, and seventeen days old; and, when he was led to the place of execution, he spoke thus:—"My dear brethren, endeavor with all your might, that it may be your portion to see the Lord, and that he may give you such a Crown;" and then, with a pleasant countenance, he said to his father, "Give the executioner the soldier's coat that thou hast gotten for me; and, when I shall receive thee in the company of the blessed martyrs, we may rejoice together with the Lord."

After this he suffered. His mother, Pompeiana, obtained his body from the judge, and conveyed it to Carthage, and buried it near the place where the body of CYPRIAN the martyr lay. And thirteen days after this his mother died, and was buried in the same place. And Victor, his father, returned to his habitation, rejoicing and praising God, that he had sent before such a gift to the Lord, himself expecting to follow after.

We shall only observe upon this instance, that it is nearly pure and unmixed, or that it is but little connected with idolatrous circumstances; or rather, that the unlawfulness of fighting was principally urged by Maximilian as a reason against entering into a military life.

Let us now find a case, where, when a person was converted in the army, he left it, pleading this principle again, as one among others, for his dereliction of it.

Marcellus was a centurion in the Legion called Trajana. On a festival, given in honor of the birth-day of Galerius, he threw down his military belt at the head of the Legion, and, in the face of the standards, declared with a loud voice, that he would no longer serve in the army; for that he had become a Christian. "I hold in detestation," says he, addressing himself to all the soldiers, "the worship of your gods; gods, which are made of wood and stone; gods which are deaf and dumb." So far Marcellus, it appears, seems to have been influenced in his desertion of a military life by the Idolatry connected with it. But let us hear him further on this subject— "It is not lawful," says he, "for a Christian, who is the servant of Christ the Lord, to bear arms for any earthly consideration." After a delay of more than three months in prison after this transaction, which delay was allowed to the purpose of sparing him, he was brought before the Prefect. There he had an opportunity of correcting his former expressions. But, as he persisted in the same sentiments, he suffered. It is remarkable that, almost immediately after his execution, Cassian, who was the notary to the same Legion, refused to serve any longer, by publicly throwing his pen and accompt-book on the ground, and declaring, at the same time, that the sentence of Marcellus was unjust. When taken up by the order of Aurelianus Agricolanus, he is described by the record preserved by Ruinart, to have avowed the same sentiments as Marcellus; and like him to have suffered death.

Let us now find a case where a converted Soldier left the army, pleading the same principle. Martin, of whom Sulpicius Severus says so much, had been bred

to the profession of arms, but on his conversion to Christianity, declined it. In the answer, which he gave to Julian the Apostate for his conduct on this occasion, we find him making use of these words, "I am a Christian, and therefore I cannot fight."

And here it may be observed, that though the noble Martyrs now mentioned, grounded their apology for declining the military service, some on account of the idolatry which belonged to it, and others of the unlawfulness of fighting; yet that, which was more usually set up by them, when they were brought before the tribunals, was comprehended in the simple declaration, that, having now become Christians, they could be no longer Soldiers. Let us quote the instance of Tarachus, another military man and martyr, and let this serve for all. Tarachus underwent his examination at Tarsus in Cilicia. Numerianus Maximus sat as the President on the judgment-seat. "What is your name?" says Maximus. "I am called Tarachus (says the prisoner) by my father, but my military name is Victor." The President goes on: "And what is your condition?" The prisoner replies, "I have led a military life, and am a Roman. I was born at Claudiopolis, a city of Isauria, and, because I am a Christian, I have abandoned my profession of a Soldier." Such was the answer usually given to the tribunals on such occasions, without any specification as to which of the two principles had influenced the conduct of those who were brought before them: and, whenever we hear of such general apology or answer, we cannot doubt that they, who made use of it, were actuated by both. The unlawfulness of fighting was as much a principle of religion in the early times of Christianity as the refusal of sacrifice to the Heathen Gods; and they operated equally to prevent men from entering into the army, and to drive them out of it on their conversion.

Indeed these principles always went together, where the profession of arms presented itself as an occupation for a Christian. He, who refused the profession, on account of the idolatry connected with it, would have refused it on account of the unlawfulness of fighting. And he, who refused it on account of the guilt of fighting, would have refused it on account of the idolatrous services it required. Both and each of them were impediments, in the early part of Christianity, to a military life."

To these extracts, (the reader will excuse the length of them for the interesting matter they contain,) we take the liberty to add another on the same topic from Gibbon's Decline and Fall of the Roman Empire. "The Christians were not less averse to the business than to the pleasures of this world. The defence of our persons and property they knew not how to reconcile with the patient doctrine which enjoined an unlimited forgiveness of past injuries, and commanded them to invite the repetition of fresh insults. Their simplicity was offended by the use of oaths, by the pomp of magistracy, and by the active contention of public life, nor could their humane ignorance be convinced, that it was lawful on any occasion to shed the blood of our fellow creatures, either by the sword of justice, or by that of war; even though their criminal or hostile attempts should threaten the peace and safety of the whole community. It was acknowledged, that under a less perfect law, the powers of the Jewish constitution had been exercised, with the approbation of Heaven, by inspired prophets and anointed kings. The Christians felt and confessed, that such institutions might be necessary for the present system of the world, and they cheerfully submitted to the authority of their Pagan governors. But while they inculcated the maxims of passive obedience, they refused to take

any active part in the civil administration or the military defence of the empire. Some indulgence might perhaps be allowed to those persons who, before their conversion, were already engaged in such violent and sanguinary occupations; but it was impossible that Christians, without renouncing a more sacred duty, could assume the character of soldiers, of magistrates, or of princes."

There is one fact worthy of notice, because it is further back in the history of the Primitive Christians, than any thing which has been mentioned. The city of Jerusalem, it will be recollected, was utterly destroyed in about forty years after the crucifixion of our Savior, and the whole nation were overthrown in a most wonderful and unparalleled manner. The Savior had foretold this destruction; the Christians, who were now very numerous, (for there were many thousands of them so early as the period when Paul attended the meeting of the Elders at Jerusalem,) distinctly saw the approach of a contest, which would overwhelm their beloved city and country. But it does not appear from any thing said in Josephus or by any writer of that time, that they took any part in that dreadful contest. On the contrary, knowing that their principles were inconsistent with the bloody scenes which were at hand, they entrusted themselves to the divine protection, and made their escape out of the city in the best way they could. A great body of them, as we learn from Eusebius, (Bk. III, Ch. 5,)* resorted to a village of the name of Pella, beyond the river Jordan; and secured by nothing but their benevolent and pacific principles, were preserved safe amid the desolations and bloodshed around them.

In the conclusion of this topic, we would briefly remark that we do not wish to be understood as maintain-

*See also Milner's Church History, Cent. I.

ing, that the doctrines and practice of the Primitive Christians are absolutely and in all respects binding upon us. We know that they are not, whenever they are at variance with the doctrines of the Gospel, and with the practice which the Gospel requires. If they had been more united and harmonious in their abhorrence of war and in their repugnance to military service than they appear to have been, even that would not have rendered an appeal to the Gospel unnecessary. Every one is required to make up a judgment for himself on the infallible testimony of the Word of God. And yet we cannot deny, that it is a circumstance calculated to confirm our faith and to give substantial encouragement, that apparently so large a number of the primitive followers of Christ, amid all the warlike prejudices of their age and under the frown of Roman tyranny, refused to bear the sword against their fellowmen, because they considered it to be inconsistent with their Christian profession. Blessed and glorious words of Maximilian, "*I am a Christian and cannot fight.*"

CHAPTER THIRTEENTH.

OF WAR IN CONNECTION WITH THE MILLENNIUM.

THERE is one view of this subject, which has almost entirely escaped notice; but which, while it must be exceedingly interesting to every one, will perhaps on some minds make a stronger impression, than any other aspect in which it has been contemplated. It is this. *War in all its forms is obviously inconsistent with the Millennial state.*

In the first place, what do we understand by the Millennium or the millennial state of the world? We mean a state, where the principles of the Gospel will be recognized, felt, and put in practice; we mean a state, where men will sincerely worship God and will truly and ardently love each other; where there will be no contention, no jealousy, no acts of retaliation, no strife. This is the view we entertain of it; and which, if we do not misinterpret them, we are authorized to entertain by the Scriptures. In every age of the world, since the coming of Christ there has been essentially but one opinion on this subject. Amid all the trials, which the Church has passed through, amid all the thick darkness, in which she has been occasionally involved, the faith of the devoted Christian has always invincibly attached itself to this great result. He has believed, and firmly and unalterably believed, that a day of universal peace and puri-

ty would at last come; a day, "when they shall not hurt nor destroy in all the holy mountain."

> Beneath its trees, that spread their blooming light,
> The spotted leopard walks; the ox is there;
> The yellow lion stands in conscious might,
> Breathing the dewy and illumined air.
> A little child doth take him by the mane,
> And leads him forth, and plays beneath his breast.
> Nought breaks the quiet of that blest domain,
> Nought mars its harmony and heavenly rest;
> Picture divine and emblem of that day,
> When peace on earth and truth shall hold unbroken sway.

In the second place, how shall this result be secured and perpetuated? Are we to expect a new code, and a new system of methods of operation? Are we to expect a new Savior, a new Crucifixion, a new and amended edition of the New Testament? Certainly not. The doctrines of the Millennium are the doctrines of to-day; the principles of the Millennium are the very principles, which are obligatory on the men of the present generation; the bond, which will exclude all contention, and will bind together all hearts, will be nothing more nor less than the Gospel of Christ.

The Gospel is a book of principles; of great, operative, and unchangeable principles. Men condemn it, because they do not understand it; even Christians may be fairly charged with treating it with no small degree of disregard, because in their worldliness they have neglected to estimate its heights and depths. If heaven could be brought down to earth, if Europe and America and all other continents and parts of the world could, at the present moment, be peopled with angels and with seraphic natures, the Gospel, just as it stands, would be sufficient to guide and govern them. The blessed companies of the heavenly world, unlike the children of men, would

ask no higher and better code. But can we regard it as allowable, could we conceive of it as allowable, under any assignable circumstances, for an angel to retaliate upon an angel, for a seraph to exercise hostility upon a seraph, for one of these holy beings to hold in his own hands the right of extinguishing the life of another? What sort of heaven would that be, which should be characterized by the admission of such a principle? And we may ask further, what sort of a *Millennium* will that be, which shall be characterized, either practically or theoretically, in the same way? When men are fully restored to the favor of God, whether in heaven or earth, is there to be one code, one set of governmental principles for them, and another for other holy beings? Certainly not. In all the great matters of right and duty, the law of seraphs is the law of angels, and the law of angels is the law of men. If it is utterly and absolutely inconsistent with our conceptions of the heavenly world, that the power of life and death should be taken from the hands of Jehovah, and that angels and seraphs should have the right of extinguishing each other's existence, it is equally difficult to conceive of such a right in the Millennium. And if it will not be right for the men of the Millennium to exercise the power of life and death over each other, it is not right for them now. We have the same code of government now, which we shall have then; we have the New Testament now, and we shall have it then; and not only that, we shall understand it better and love it more. Nothing will be added to it; nothing will be taken from it. If it does not now consider human life inviolable, it never will; if it does not now proscribe all wars among the human species, it never will; the right of taking human life, if it exists now under the Christian code, will exist as a legal and authorized characteristic, (painful and even horrible, as

the mere thought is,) of the pure, blessed, and angelic state of the Millennium.——On the supposition, therefore, that life will be inviolable in the Millennium, and that it will not be considered right for one man to put another to death for any possible reason, we argue that it is not right now. And this form of reasoning is applicable to any other analogous case whatever. If it will not be right to steal in the Millennium, it is not right to steal now ; if it will not be right to be intemperate in the Millennium, it is not right to be intemperate now ; if it will not be right to hold slaves in the Millennium, it is not right to hold slaves now ; if it will not be right to take life and carry on war in the Millennium, it is not right to take life and to carry on war now. The principles, which will be acknowledged as authoritative in the Millennium, are the very principles, which are prescribed and are binding upon us at the present moment. No change in principles is required ; but merely a change in practice. If the practice of men should to-morrow be conformed to the principles, which the finger of God has written on the pages of the New Testament, then to-morrow would behold the Millennium.

We delight to linger upon this subject. There is a charm in the millennial name. "Scribenti manum injicit, et quamlibet festinantem in se morari cogit." The wing of poetry flags under this great conception. Sometimes we see it under the type of a wilderness newly clothed with bud and blossom ; sometimes we see it under the type of a city descending from heaven, prepared as a bride adorned for her husband ; sometimes we behold it as a great temple arising out of the earth, and capacious enough to contain all nations. This temple is not built of earthly materials, that will perish with the using ; but is supported on immutable columns. Every great moral and religious principle is a pillar in the mil-

lennial temple. The principle of total abstinence from all intoxicating liquors is one pillar; it suddenly arose fair and beautiful, and even now is enveloped with some rays of millennial glory; the doctrine, that all slaveholding is a sin, is another pillar, standing firm, awfully grand, and immoveable; the doctrine of the absolute inviolability of human life is another; this is in a state of preparation, but it will soon ascend, and stand brightly and majestically in its place; and thus principle after principle will be established, column after column will be erected, till the spiritual house of the Lord shall be established in the tops of the mountains, and shall expand upon the eye of the beholder, far more beautiful than the Parthenon. And what then will be wanting? Only that the nations, in the language of prophecy, shall flow into it; only that the people should occupy it and rejoice in it, and this is millennial glory. But unless you have firm, unchangeable, immutable principles, it will be like a certain house, that was built upon the sand; "and the rain descended, and the floods came, and the winds blew, and beat upon that house; and it fell and great was the fall of it."

CHAPTER FOURTEENTH.

POPULAR OBJECTIONS.

When the doctrine of entire abstinence from war both Offensive and Defensive is asserted and maintained, it is so far in advance both of public sentiment and public practice, that we are at once met with a host of objections. Some good men, who in the main are averse to violent and sanguinary measures, are greatly alarmed at its announcement, on the ground, that, if it should prevail, there would be no personal or political safety. Some of the objections, which are made, may appear to be trivial; undoubtedly they are so; but if they are frequently made and have influence with the popular mind, they seem to require a word of notice. This is to be said, however, that these objections multiply themselves so rapidly and assume so many shapes, that we can afford to give only a few specimens, leaving the rest to be supplied by the reader's imagination.

I,—One man says, for instance, if a person or a number of persons should commence a violent attack upon you, to the hazard even of your life, what would you do? This is my answer. I would do as the Savior did on a certain occasion, Luke 4: 28–30. "And all they in the Synagogue, when they heard these things, were filled with wrath; And rose up, and thrust him out of the city, and led him unto the brow of the hill,

whereon the city was built, that they might cast him down headlong. *But he, passing through the midst of them, went his way.*"——In other words, (by what means we cannot tell,) HE MADE HIS ESCAPE.

Or I would do as the Apostle Paul did, when the Jews of Damascus took counsel to kill him, Acts 9: 23–25. "But their laying await was known of Saul; and they watched the gates day and night to kill him. Then the disciples took him by night, *and let him down by the wall in a basket.*"

Or if I could not escape, I would strive by superior skill or physical power to disarm the man, as an act of benevolence to him as well as of duty to myself, and yet without endangering his life, or injury to his person. In other words I would do, as David did on a certain occasion. I would take away the spear of the assailant, but with a sacred care, not to use it against him. I certainly should not feel at liberty, under any provocation whatever or any pressure of danger, to forget the sublime and instructive declaration of the Savior already repeatedly referred to. "My kingdom is not of this world. If my kingdom were of this world, then would my servants fight that I should not be delivered unto the Jews; but now is my kingdom not from hence." Every thing should be done in love; and without any possible injury to the assailant. And there can be but little doubt, that this course of kindness, patience, and forbearance, especially if it were combined with affectionate entreaty and remonstrance, would prove a successful one. But if it should prove otherwise, if it should clearly appear that all this would not avail, and that certain destruction stared me in the face, if I acted as a Christian, I should most seriously endeavour to imitate the example of the Savior, when he died in agony on the cross, "*Father, forgive them, they know not what they do.*"

II,—It is inquired again, how will it be possible to administer the laws on the system of the inviolability of human life? How will it be in the power of the magistrates, on the principles of the pacific creed, to seize delinquents and to bring them to justice?——On this topic we answer concisely, that, if the laws of the community are such as they should be, framed with suitable wisdom and sustained by public sentiment, but little danger is to be apprehended on this score. There are elements in human nature, which will infallibly secure the existence and advancement of society, if there is a suitable share of benevolence and justice in the administration of its concerns. The power of public opinion is immense; it is based upon an ultimate principle of our mental constitution, the desire of esteem; and this power can always, with suitable precautions, be arrayed on the side of order and the laws. There is power in justice; there is power in benevolence; and those, who are conscious of having right and kindness on their side, will not fail of exhibiting a due degree of energy and fortitude. It will be found, on the other hand, that men, who are so degraded as to assail society by the commission of crimes, will in general discover but little moral, intellectual, or physical courage. The elements of a formidable contest are not in them. It is virtue, which gives strength; and being destitute of the elements of a virtuous character, they are, in a great degree, destitute of decision and energy. This is a great law of nature. It is essentially true of such persons, in the language of Scripture, that "the sound of a shaken leaf shall chase them; and they shall flee, as fleeing from a sword; and they shall fall, when none pursueth." Too ignorant of the provision, which a kind Providence has made in our mental constitution and in the relations we sustain for the support of society, we are apt to exaggerate the

dangers, which are to be apprehended from such men. The warrant of the justice and the staff of the constable, supported by wise laws and a correct public sentiment, will assuredly answer the purposes of public justice.

We have had ample experience on this subject in this country. Whenever a riot takes place in some large town or city, there are always some persons, (whether they act from reflection or from the suggestions of a mere nervous excitement, it would not be easy to say,) who are in favor of resorting to force, of calling out the military, of inflicting summary vengeance. But such measures are found to do no good; they only serve to inflame and aggravate the public maladies; while on the other hand the prompt and judicious interference of the civil authority, especially when it is sustained by kindness, never fails. We have no hesitancy in saying, that it will prove a sad and dark day indeed for this happy Republic, whenever it shall be thought necessary to apply any other than the pacific doctrines in the administration of justice.——On this topic something further will be said in one of the chapters on Capital punishments, showing that in pursuing a criminal we are bound to respect his life; that his right to escape is a natural one, which cannot be taken from him; and that the mere fact of his making the attempt is not of itself a sufficient reason for summary punishment and bloodshed.

III,—We have sometimes heard the question put, as if it were almost decisive of the right to use force and to destroy life, whether it would not be right to attack a slave-ship, loaded with slaves from Africa? In answer to an inquiry of this kind, we would ask, in the first place, whether the plan of attempting to put an end to the slave-trade by force, which has been in progress some fifteen or twenty years, has done any good? And we hesitate nothing is saying, that in the minds of many

judicious people it is very questionable, whether it has not in fact increased the evils, which it was intended to diminish. Certain it is, that the slave trade, up to the present moment, has not been essentially diminished; and whatever diminution has taken place is probably owing to other causes. We are indeed compelled to admit, that the slave-traders take more precautions, than they used to do; their vessels are modelled, much more than they were formerly, with a view to fast sailing; but this only increases the wretchedness of the poor slaves. And if at any time, the vessels of the slave-traders are likely to be overtaken by hostile ships of war, they do not hesitate, shocking as the very thought is, to throw the miserable Africans overboard. If, then, we shall do no good by resorting to force, and shall probably do evil, it would not be an easy matter to show that we are under obligations to make that resort.

But while we throw out this view of the subject as worthy of some consideration, we would take the liberty to say further, that there is a much easier way of putting a stop to the slave trade, which ought at least to be tried, before we resort to the awful remedy of shedding human blood. The slave trade can be stopped at once by destroying the market at home; or in other words, by the suppression of slavery. Here is a christian remedy. Let us try this first, before we resort to another, which is obviously of doubtful utility, besides being opposed to the Gospel. It is we, who *make* slave-traders by keeping open the slave market; we have done wrong in the first instance by purchasing the slaves, and by thus encouraging the cupidity of these traders; we are not at liberty on any sound principles to take advantage of our own wrong and to make it an excuse for wrong in another shape. If, when we do right ourselves, by breaking the yoke of bondage and treating the millions

of Africans in Christian countries as our fellowmen, the great evil of the slave trade does not cease and die of itself, then we shall be called upon with some show of propriety to answer the inquiry concerning the application of force.

IV,—Another objection, (one which may be supposed to have considerable weight with many minds in this country,) is, that on peace principles the leaders and agents in the American Revolution were wrong. In remarking upon this difficulty, we do not deny, that the leading men of the American Revolution were the true friends of their country ; that they in general acted from public, and not from private and selfish considerations ; and that they deserve on many accounts to be held in most respectful and affectionate remembrance. Furthermore, they were right in their *principle*, as we believe ; and Great Britain was wrong. But we as firmly believe, (if we estimate the matter, not by the natural sentiments of mankind, but by the principles of the Gospel,) that they were wrong in the measures they pursued. And if they had pursued different measures, such as would have been entirely consistent with the spirit of the Gospel, and had persevered in them, we have no doubt that all the valuable results of the Revolution would have been ultimately gained.

The measure, most likely to have secured their object, would have been earnest, respectful, and patient remonstrance, combined with some measures of a negative kind, such as refusing to use those things which were unjustly taxed. Nor do we hazard much in this remark, since the course was tried in opposition to the early movements of British oppression, and with a great degree of success. The principle, for which our revolutionary fathers contended, was the acknowledged and important principle of the English Constitution, that the

right of taxation depends on representation. One of the first measures of the English ministry, after they had adopted the plan of taxing America, without, at the same time, permitting her to be represented in Parliament, was the imposition of stamp duties on most of the instruments in common use, which duties were to be paid to the officers appointed by the crown. This was in 1765. And what was the course, which was then pursued by America? Not a resort to violence, not an appeal to arms, not the shedding of blood, but simply earnest and patient remonstance, combined with a concerted and general abstinence from the use of stamps. The consequence was, that in due season the English ministry was changed, and the measure was abandoned.—Some years afterwards the English government tried again its measures of oppression by imposing a tax on tea and a few other articles. If the same course of remonstrance and abstinence from the use of the articles taxed had been pursued for any considerable time, we may reasonably suppose, that the same results would have followed. And not only that, the English people and the English Parliament would soon have felt and recognized the justice of our claims in other respects, and have conceded the great principle of actual American representation in the Parliament of England. This would have fully satisfied America for many years; but the time would have sooner or later arrived, when America by the full and free consent of Great Britain would have separated from the mother country and taken a stand among nations, without that vast amount of crime and misery which attended the war, and without that mutual jealousy and hostility, which have existed in a painful degree ever since.

We believe that this is a view of the subject, which candid and intelligent men are generally disposed to

take at the present time. Those, who are acquainted with the parliamentary history of England, know that America at a very early period had able advocates in Parliament, who maintained her cause on constitutional grounds, and that the public feeling of England, previous to the actual breaking out of hostilities, was setting strongly in the direction, which has been intimated. We have good reasons, therefore, for asserting and maintaining, that resistance to England on Gospel principles, the mere resistance of abstinence from the articles taxed and of respectful and persevering remonstrance, would have ultimately secured all those objects, which on worldly principles could only be secured, (and were in *fact* secured,) by a long series of hostilities, by tears and agony and blood. The objections, therefore, to the doctrines of peace, which are drawn from the facts of our Revolutionary history, are of no weight.

V,—Supposing says another objector, that a band of pirates should assail the town, of which you happened to be the responsible magistrate, what must be done then? This inquiry is answered with so much sincerity and eloquence in one of the last productions of the late lamented Grimké, that we cannot forbear quoting it. Most earnestly do we commend it to the serious attention of the reader. And we fully believe, if he has the spirit of the Gospel, he will not be at a loss, in what way a Christian should meet the attacks even of the most infuriated and abandoned assailants.

'A. has supposed me the Chief Magistrate of Charleston, and that the city was attacked by pirates. "Is it possible," he asks, "that he could give such an interpretation to the Gospel, as to surrender the city?" Does A. seriously ask what I would do? Can he doubt? But I will tell him. A Christian Magistrate acknowledges the Bible as above all government, and the law of love and

forgiveness as above all human regulations. If he cannot hold his office consistently with the obligations of that book, and the teachings of that law, he will resign. That is precisely what I should do.—If my fellow citizens objected, I should tell them that I must do my duty. But if I had, on the contrary, a Christian people in spirit and in truth, on the principles of peace, I should make proclamation that all the churches be opened, and that prayer be offered by the clergy and all the pious, that God would be pleased to change the hearts of our invaders, and to manifest his power and mercy in our deliverance. That done, I should throw open the gate that fronted the enemy. Thence would I issue forth, not with a band of cavalry and infantry, as A. would do, but with all the clergy, and a long procession of Sunday School Teachers and Scholars, dressed in the white robes of peace, and chanting no battel song of "The Bruce," but the hymn of Christian faith and hope. Does A. believe me in earnest? I appeal to his own heart. Will he not acknowledge that if ever "the effectual, fervent prayer of a righteous man availeth much," it must be, it would be then? Can he doubt that such a spectacle would soften the hearts, and change the purposes of that "band of greedy, lustful, bloodthirsty pirates?" Oh, that he were there: for he himself would bid me, with such a spirit, to trust myself and the city, not to the cannon and musket, but to God.

'Would not the force of truth and the power of faith and the pathetic beauty of the scene compel him to exclaim, "If ye are to fall, it is better to perish in the spirit of innocence, forgiveness, and love, praying, like Stephen, for your murderers, than to die suicides and murderers yourselves." Would he not say, as he stood in the rampart and beheld that Christian army, with its Christian music of holy song, would he not exclaim,

"The faith of a Roman mother saved Rome from Coriolanus, and shall not Christian faith save this city even from Pirates?

'But let us reason a little on the supposed case: take A.'s mode of proceeding. Is he sure of success? [redacted] and all on his side argue as tho' they were sure. But they are not sure. The goodness of a cause does not command success.—"The race is not to the swift nor the battle to the strong." Now I will grant that, in my case, I should not be sure of success. We are then on a level. A. will not say that I would not succeed. Now, suppose I do succeed; I have turned enemies into friends. Perhaps I have made such an impression on that sinful company, that they abandon their wicked lives and become Christian brothers. Suppose A. to succeed, what then? The survivors are implacable enemies, and will assuredly take a dark and terrible vengeance at some other time. There may be joy for the present, but no peace or security for the future. Besides, although he has sav'd the bodies of his fellow citizens, he has sent a hundred impenitent souls to the lake of fire. Is this to trust in God? Is this to love our fellow men? If there be joy in heaven over one sinner that repenteth, more than over ninety and nine just men that need no repentance, what joy shall there be in hell over an hundred impenitent sinners, sent to perdition by the bayonets of Christian clergymen and their flocks.

'But I may fail. Granted; and what then? Would we not die, the innocent by the hands of the guilty, the faithful by the hands of the unbelieving? Would we not die the death of the merciful, of the peace maker; and would we not have their reward? Would we not obtain mercy? and be called the children of God?

'But A's plan of defence may also fail. If so, will his city fare better than mine? Will he not acknowledge

that in every respect it must fare worse ? If he will not acknowledge this as a general rule, notwithstanding what may possibly happen in one case out of a hundred, I am sure every other reader of the Calumet will. Whether then we succeed or fail, I have the advantage of A., and what an advantage is that which is built on faith in God and love to man !

'But let me give A. a stronger example ; because matur'd, and to have been executed, without faltering, if I know myself. It is not perhaps understood, that after the passage of the Ordinance of the 24th of November, 1832, the state of parties was such in Charleston that, if blood had been shed on either side, in the streets, there is reason to believe, that armed and furious mobs would have exhibited scenes unparallel'd in our happy country. As in all such cases, the most obnoxious must expect the most terrible fate. Altho' I had taken the middle ground of peace, had publicly declar'd that cost what it might I would not bear arms in any conflict between the State and Union ; yet I knew that my letter of December 1, 1832, " To the people of South Carolina," on the subject of that Ordinance had not only caused the rejection of my petition to the Legislature for exemption from militia duty, but had been represented as a violent and inflammatory production. I had reason, therefore, to believe that my house would have been an object of attack. I had resolv'd neither to prepare for defence, nor to accept any offer of protection, should any be made. I should have removed all arms out of my house, and prohibited absolutely, the attempt to use or conceal any. My family should not have been sent away, unless they had been unwilling to remain with me. For one at least I could have answered to have stood by me with a more faithful love in death, even than in life. The doors and windows should have been open, and the rooms lighted

as usual. I should have gone forth to meet them, and to speak, if they would have heard me, such words as God would have enabled me to utter. I may have died the death of Coligny, but it would have been the death which became the faith and love of a Christian. My family would have lost a husband and father, but then he would have been unspattered by a brother's blood; he would have sent no guilty spirit, unprepared, into the world of woe.

'We may well conclude by a parallel in my own case, like that in the case of the pirates. If I had succeeded with my exasperated fellow citizens, and they had departed in peace, what cause should I not have had for gratitude to God? If I had failed, what more would have been lost than my own life? With that, it is most likely, the mob would have been content, and my family, and their property would have been spared. But suppose it had been A's case. As soon as he knew the state of the city, he would have prepared for war. The house of prayer would soon have become a fortress, and muskets and pistols, ammunition and swords would have been provided for the slaughter perhaps of some of the communicants of A's own church in the midst of their sins. Let the time of trial come. The battle rages. What destruction, not only of his own, but of his neighbors' property! What rage and blasphemy from the baffled mob! Look at the dying and wounded. Hear their shrieks and curses. Turn to the house. Look at the minister of the Gospel taking deliberate, deadly aim at his neighbor, acquaintance, communicant, to slay him for eternal misery! Look at those men, the elders and deacons of Christian churches. How calm, resolute, silent! What thoughts are in their souls! What, but the ejaculations, "My God! give me a firm heart, and steady hand; forgive me if I break thy law 'Thou shalt not kill:'

may every shot tell until the murderers desist! Bless me in this work of blood; my trust is in thee." But the mob is repelled; they depart, breathing out threatnings and slaughter against A. and his company. Did A. live under the Mosaic dispensation, his prayer of praise and thanksgiving might be conceived in the spirit of the Old Testament hymns for victory. Did he live in the age of the crusaders, or in that of the Puritans of England, or the covenanters of Scotland, his prayer would breathe the spirit of the elegies of Tyrtæus, not of the Sermon on the Mount. But how a Christian minister, the chief actor in such a scene, could offer prayer to a God of holiness, through the Prince of Peace and love, for such a result, I am at a loss to comprehend.

'Let us now reverse the scene. The mob succeed. The house is taken by storm. The mob burst in with howls and cries, more wild and terrific than the Indian war whoop; for civilized man when madden'd is more savage than the Savage. How many lives on both sides are lost in that furious struggle! The mob rush in on every side, and the assailed driven from room to room, are hurled from the windows, or slain within. A. falls with the rest, and goes to give his account for having suffered, when he could have prevented many if not all the agonies and miseries of that scene. Can a Christian read, and not tremble at the thought that he should have *any* hand in those crimes and horrors?

'Now, will not A. acknowledge, that as a Christian I have the advantage of him both ways. If I succeed, what a contrast to his success! If I fail, perhaps only a single life is lost, and some property injured. If he fail, what destruction of property, what waste of life, what ruin of immortal souls! Would not A. rather live with me, or die with me, than to survive or perish with his fellow combatants, stained with the blood of guilty

brothers, and authors of perdition to many a soul. But my advantages stop not there. If I succeed, the mob depart, with passions calmed and restrained. Should mine be the first house, might not my course be the means, under God, of saving the city from the fury of the mob? If I fail, the mob depart with revenge satiated; but with no fierce excitement of ferocious feelings. Whether A. succeed or fail, it seems plain, from the exasperated passions of the populace, that nothing but a strong military force could control them; nor then, without desperate conflicts and much bloodshed. The state of the city under my success or failure, compared with his, I leave to the heart and imagination of A. himself, and all the advocates of defensive war. After reviewing the whole ground, will they not confess, with king Agrippa, "Almost thou persuadest me to be a Christian, on the principles of Peace."*

These are instances or specimens of the popular objections, which are thrown out against the peace doctrine. Others might be easily given, if we had space for noticing every thing of this kind; and perhaps we might add with propriety, they might be as easily answered. Men may rely upon it, that a course of justice, tempered with unfeigned benevolence, will always be attended with the most favorable results. Is it not the *mercy* of God, that leadeth to repentance? And if God's mercy, God's goodness can thus influence and lead men to pursue a right course, why may not mercy and goodness in men have a similar effect? The fact is, the power of beneficence has never been fully estimated, and never been put fully to the test. When this is done, (and society will never rise upward to the mark of its destination, until it *is* done,) it will be seen, that we are not flighty and chimerical, nor even unphilosophical in our

* Calumet, vol. II. p. 176.

views. Mental philosophers have told us of the power of the resentful passions; not only how they sometimes prompt to injury, but how they have power to restrain others from doing injury. Political economists have told us of the power of bars and gates and prisons, in checking the tendencies to the perpetration of crime. But who, on philosophical principles, has investigated the power of beneficence and forgiveness? Beyond all question, it is the unalterable constitution of nature, that there is efficacy, divine, unspeakable efficacy in love. The exhibition of kindness has the power to bring even the irrational animals into subjection. Show kindness to a dog, and he will remember it; he will be grateful; he will infallibly return love for love. Show kindness to a lion, and you can lead him by the mane; you can thrust your hand into his mouth; you can melt the untamed ferocity of his heart into an affection stronger than death. In all of God's vast, unbounded creation, there is not a living and sentient being from the least to the highest, not one, not even the outcast and degraded serpent, that is insensible to acts of kindness. If love, such as our blessed Savior manifested could be introduced into the world and exert its appropriate dominion, it would restore a state of things far more cheering, far brighter than the fabulous age of gold; it would annihilate every sting; it would pluck out every poisonous tooth; it would hush every discordant voice. Even the inanimate creation is not insensible to this divine influence. The bud and flower and fruit put forth most abundantly and beautifully, where the hand of kindness is extended for their culture. And if this blessed influence should extend itself over the earth, a moral garden of Eden would exist in every land; instead of the thorn and the brier, would spring up the fir-tree and the myrtle; the desert would blossom; and the solitary place be made glad.

CHAPTER FIFTEENTH.

METHODS OF PROCEEDING IN THE ESTABLISHMENT OF PEACE.

HAVING thus endeavoured to show the evils of war and its utter inconsistency with the Gospel, we now proceed to inquire, what is to be done, what course is to be taken on this all important subject? In answering this question we are not ignorant of the difficulties, which stand in the way, and of the responsibility which it is necessary to assume.

The FIRST measure to be taken, therefore, under existing circumstances, is to embody a peace society in every church. I say, *under existing circumstances.* If the different leading sects of Christians at their first organization had introduced into their formularies the doctrine of peace, after the manner of the Friends and some other smaller sects, it would have been much better. If all the Congregationalists, (and the same may be said of all other Christian denominations,) were peace-men, embracing the principles of peace and acting on them, would not the garments of their churches be far more radiant with beauty than they are now? In such a state of things should we not possess far more moral courage in the prosecution of duty than we now do? And should we not feel more conscious of the approbation and favor of heaven than we do at present? As those, who were concerned in establishing the original formularies of the prominent Christian sects, neglected to do what they ought to have done, we must now remedy the evil in

the best way we can. And as the great objects in view cannot be secured without some concentration of opinion and effort, we must undoubtedly begin with forming a Peace Society in every church. In some cases, where the aspect of things is favorable, the church may act upon the matter in their ecclesiastical capacity, and introduce the peace doctrines into their creed and covenant. After some few years, when the public mind has become a little more enlightened on the subject, it is probable that this last method will be the more common one, as it will certainly be likely to be most effective. This is the first step to be taken.

But in doing this, it is very important, in the SECOND place, to consider carefully what principle shall be adopted as the basis of these societies. Every one must admit, that, in effecting a great moral object, every thing depends upon the adoption of a correct moral principle. If the societies should be so unfortunate as to start upon an unsound principle as their basis, they may certainly count upon finding themselves practical nullities. We submit it, therefore, (in concurrence with the opinions of others whose views are entitled to much consideration,) that it is necessary to adopt, *as a fundamental article of these societies, the principle, that all wars whatever, both offensive and* DEFENSIVE, *are repugnant to the precepts and spirit of the Gospel, and are sinful.*

In support of the opinion, that there is a necessity for the express recognition of this fundamental principle, there are three obvious reasons, which we shall state as briefly as possible. (1) The Peace societies under the common organization, (that is to say condemning war in general, but admitting the moral right of defensive war,) have not been so effective, and have not been followed with those favorable results, which their supporters had fondly anticipated. They have undoubtedly

done good, *great* good; but after what has been learnt from the trial of them, it may be fairly and justly said, that they are inadequate to the great object, which all Christians ought to have in view. They ought to have the credit of preparing the way, by ably drawing the attention of the public to the subject of peace and war, for that further step which it is now proposed to take; but they cannot safely or rightfully be received as a substitute for it.—(2) The doctrine of the lawfulness of Defensive war is in effect, and to all practical purposes, the doctrine of the lawfulness of every species of war whatever; because, with scarcely a single exception, all nations which engage in war alledge, that they do it in self-defence. The idea of a Defensive war does not consist in priority of attack, but in priority of injury; and it will be found that belligerent nations are always ready to assert, that they have been led into wars in consequence of injuries previously received. It will be found on experience, if it has not already been, that Peace societies, which admit the lawfulness of Defensive war, do not essentially disturb the quiet of warriors and politicians, with whatever prudence and zeal they may be conducted. These persons will even become polite and laudatory, and pronounce such societies very good; just as at the present time many tipplers are found, who praise those old-fashioned temperance societies, which admitted of moderate drinking, while they denounce the total-abstinence system.—(3) If defensive, as well as offensive war, is forbidden in the Gospel, as we have endeavored to show in former chapters, and as we doubt not every humble and faithful inquirer will find to be the case, then we cannot reasonably expect the guidance and favor of heaven, so long as we remain satisfied with a system, which we know to fall short of the Gospel requisition. It is of unspeakable importance, in the ex-

amination of moral and religious duty, to ascertain the true Gospel doctrine, as we are then in a situation to enforce the duty upon the consciences of men, and to urge it home with entire confidence. We have then no doubts, no fears, no misgivings; we know that God is with us; and are sure of ultimate success.

In the THIRD place, something is to be done. If Peace societies are to be embodied, they must be embodied for some purpose; for some PRACTICAL purpose. Such is the constitution of human nature itself, that it will be found exceedingly difficult to sustain a society organization for any length of time, unless it be expected to issue in some practical result. If the whole object of peace societies be to enlighten public sentiment on the subject of peace and war, we do not hesitate to assert, that it can be done almost as well without them as with them; not quite as well indeed, but *almost*. If no definite practical object is to be secured, the continuance of these associations is of comparatively little importance. A second article, therefore, must be embodied in the proposed new organization of these societies to this effect, *that the members pledge themselves not to submit to any military requisitions whatever, and not to contribute any thing, either directly or indirectly, either of their personal efforts or their money, in furtherance of military measures.*

It is the adoption of this pledge, which, still more than the adoption of the principle that all wars, offensive and defensive, are morally wrong, will constitute the predominant feature of the proposed new societies, and impart to them a specific and operative character. It is the pledge, which, like the pledge of the temperance societies organized on the principle of total abstinence, will render them positively and eminently practical. It is the pledge which is wanting; it is the solemn, published, and immutable resolve not to submit to military requisi-

tions nor to contribute to the furtherance of military measures, which is requisite in order to success. When this becomes the distinctive and unalterable feature of peace societies, their influence will be felt throughout the world. It is here we must take our stand; it is upon this rock we must plant our feet; and though the waves of the ocean dash against it, they will not prevail.

But it will be said perhaps by way of objection to the proposed measures, that the adoption of such a pledge would constitute an act of resistance to the State; that it would be throwing defiance at the fundamental regulations of the body politic. Undoubtedly it might be so considered, if its adoption were not a matter of religious feeling and religious obligation. But the supposition is, that those who join the Society acknowledge the paramount obligation of the Gospel; and that they are fully satisfied of the first fundamental article of their association, viz. *that all wars whatever, both offensive and* DEFENSIVE, *are repugnant to the precepts and the spirit of the Gospel, and are sinful.* It is neither proposed nor expected nor desired, that any should join the peace associations but such as can fully and sincerely assent to this fundamental principle. We do not of course insist upon this precise form of expressing it; but we insist upon this fundamental principle in its essence. Now if a person fully and sincerely assents to this, and is conscientious in his profession that the Gospel is binding upon him, (and certainly we should not expect much assistance from any other auxiliaries than of this stamp,) then the second fundamental article follows of course.—There is no escape, no reprieve; he not only stands upon the strong foothold of the Gospel, but he is bound by it; it is as utterly impossible for him to obey either directly or indirectly a requisition in military matters, as it would be to obey a requisition to lie, steal, or murder.

But some will say, how does this alter the matter? Is it not still resistance to the body politic? By no means. All writers on politics, who are received as of any weight and authority in this country, agree in this, that the existence of society is a matter of CONTRACT. They furthermore assert, (and they would be entitled to exceedingly little regard if they did not assert it,) that the persons making the contract cannot barter away physical or moral impossibilities; they cannot, for instance, bargain to deprive themselves of the exercise of perception, reasoning, belief, and *conscience*; they cannot, by means of any agreement they are capable of making, bind themselves to lie, to steal, to commit murder, or to do other moral wrongs. Consequently if a man really considers it morally wrong for him to take the life of a fellow man under any circumstances whatever, or to be accessory either directly or indirectly to the taking of human life, it is wholly out of his power, he neither *has* made, nor ever *can* make a contract, which places him in a situation where this necessity is imposed upon him. The obligations he owes to society, which are undoubtedly many and weighty, do not involve this case; the file of human precedents will not reach him here; he has taken his position upon Gospel ground; he stands or falls to his own great Master. This is evident from the nature of the case; but this is not all.

The constitutions of the State and Nation recognize and guarantee the rights of religion; and no man is obliged to go against his conscience; or rather every one will be supported in acting in accordance with his conscience. The Congress of the United States is expressly restricted from making any law prohibiting the free exercise of religion. The constitution of the state of Maine expressly guarantees, that "no one shall be hurt, molested, or restrained in his person, liberty, or estate for his religious

professions or sentiments, provided he does not disturb the public peace, nor molest others in their religious worship." Regulations of a similar import are to be found in all, or nearly all, the Constitutions of the different States. In the present state of public sentiment, no one will be excused from the discharge of military duty merely because he *wishes* to be; but if he sincerely regards all participation in war and in the preparations for war as SINFUL, the law and the constitution will throw around him the ægis of their protection; the spirit of our forefathers, who fled to this country mainly for their religion, will rise up in his defence; the noble barrier of trial by jury, often the last refuge of innocence and the last entrenchment of right, will never fail him in a contest on such a principle. And it is upon principle, religious principle, that we would move. We would make this whole business a matter of religion, a matter of sacred, conscientious duty; we would remove it totally and immediately from the ground of EXPEDIENCY, where it seems to be placed, (not *exclusively*, but in too great a degree,) by the present peace organizations. We would not merely say, that it is inexpedient to take away human life, but would assert and maintain it on Gospel principles, to be wrong, morally wrong, wholly and absolutely wrong.

It is possible, that some will make the inquiry here, whether, taking as we do the ground of refusing to perform military duty, we ought to pay military fines? Certainly not, if the fines, as is generally the case, are exacted and are applied for military purposes. As far as principle is concerned, you might as well fight yourself, as pay others for fighting. But if the legislature, taking the constitutional course of exempting from military duty and all military taxation those, who are conscientiously opposed to war, should at the same time impose on the Pacific Exempts, in consideration of their exemption, a

tax, which should be expended for roads, schools, the poor, civil officers, hospitals and the like, it might be a question, whether it would not be a duty to pay it. But every one should be well persuaded in his own mind; he must feel well satisfied, that such a payment is not made to contribute, in any way whatever, to the purposes of war. If he can be fully persuaded of this, we are not prepared to say, that there would not be a benefit in such a tax. It would probably tend to satisfy public feeling, and to hush complaints; it would be an evidence of our sincerity; and would discourage those, (for undoubtedly some such would be found,) who might for the sake of saving their time and money, hypocritically pretend conscientious scruples in regard to war. We do not, however, express ourselves on this point with entire confidence; but would merely take the liberty to suggest this view of the subject, as worthy of deliberate consideration.——Whether such a tax could be imposed, consistently with some of the principles of the State and National constitutions may, indeed, well be questioned. But that is an inquiry, which time and the examinations of men learned in the laws will ultimately determine. All we ask now is, that we may have nothing to do with war, either directly or indirectly; and we ask it on the ground of our *religion*. We do not ask it, because we wish to save our time and save our money, although this would be a reason of some weight, since we believe that time and money expended upon war are worse than thrown away; but because we conscientiously believe wars to be forbidden. We wish to show ourselves good citizens in every possible way; but we ask to be exempted from compulsory disobedience to that great Lawgiver, whose commands should always take the precedence of those of every earthly legislator. If our legislatures choose to increase our burdens in conse-

quence of our religion, whether they can do it consistently with our principles of government or not, we shall consider it of but comparatively little consequence, *provided our religious rights are not violated.* But this is the point of difficulty. If by paying any tax whatever, on the principle of commutation, (that is to say, on the principle of *purchasing* an exemption from military duty,) we find that we are promoting, even in the least degree, the cause of war, we cannot rightfully do it. And if we are forced to pay such a tax, then there is a violation of religious right. Going on Gospel principles, no military service is to be performed; no military fine is to be paid; nor is there to be a payment of any commutation tax, imposed for exemption from military services, so long as such payment is in any degree subservient to the purposes of war. But whether this is, or is not the case in any given instance, it is desirable, that each one should examine for himself, and, as we have already said, should be persuaded in his own mind.

But it will be said perhaps, that this new doctrine will frighten people; that it will raise an outcry; and that but very few will join such an association. Be it so. And yet if we view this state of things in the light of the Gospel, nothing is to be feared, and every thing is to be hoped for in the end. Undoubtedly but few will join at first; but will they not be emphatically a *light* in the world? The great question is,—Are we on Gospel ground? Have we Christ on our side, and the goodly company of apostles and martyrs? In such company, although we may meet with discouragements for a time, we cannot possibly fail at last. In regard to every leading practical principle of the Gospel, when it is fully understood and conscientiously embraced, it is a great and most encouraging truth, that "a little leaven leaveneth the whole lump." Then let us make a beginning; let

us try, looking to God for help; let every minister of the Gospel take up the subject for himself seriously, prayerfully, and earnestly; and now, when pacific principles are making progress and the aspect of things is decidedly favorable, let him not be slow in forming a Peace society on the principle of the primitive Christians, adopted by the Friends, Moravians, and some other sects; or rather on the Gospel principle, *to wit*, Touch not, taste not, handle not.

We earnestly commend the propositions and views of this chapter to the serious attention of the reader. War is an evil, which has so wide a basis in the human passions and is stimulated into existence by so many incidental causes, that it can never be successfully opposed on any grounds of mere *expediency*. To erect the barrier of expediency against the overwhelming flood of war, would be like attempting to stop the Cataract of Niagara with the paddle of a canoe or the meshes of a fishing net; or undertaking to prevent the incursions of the ocean on the coast of Holland by ant-hills instead of the immense dykes, which line that coast. Experience has shown it to be so; reason, if one will enter fully into the subject, will show the same thing; will fully demonstrate, that bloodshed can never be stopped in this way. There is not the least hope for the world, so far as war is concerned, except in the influence of some great principle, clearly deducible from the Gospel, and operating upon Christianized conscience. Such a principle God in his mercy has given us; such a principle we are most solemnly and earnestly summoned to recognize and adopt; it stands dimly and imperfectly developed, (or rather merely *anticipated*,) in the Old Testament, but written in letters of light on the pages of the New. And who are reasonably expected, not only to recognize this principle, but to put it in practice? Christians. It is Chris-

tians, those, who profess to believe the New Testament and to receive it as their guide, that must take the lead in this matter. The world will stop, till Christians move forward; the world will assuredly continue to engage in war, till they cease to have Christian countenance; the world will ridicule all preaching against war, while Christian soldiers mingle in its ranks and Christian chaplains pray for its success. On no subject is the cry louder and more urgent, TOUCH NOT THE UNCLEAN THING. COME OUT AND BE SEPARATE.

CHAPTER SIXTEENTH.

ON EXERCISING THE OFFICE OF CHAPLAIN.

ON the subject of exercising the office of military chaplain, we shall be very brief. If wars are wrong on Gospel principles, then no man can exercise the office of chaplain in an army or in any body of men assembled for military purposes, without a violation of those principles.——The first inquiry is, what is a chaplain commonly expected to do? If he were merely expected to communicate biblical instruction and to labor for the personal salvation of the soldiers, with full liberty both in public and private to express his sentiments in relation to the unlawfulness and the evils of war, we are not prepared to say, that the exercise of his office would necessarily be out of the pale of Christian duty. But

this is not the expectation. A chaplain would not be tolerated in an army for a moment, who did not profess to be interested in the success of the war, however iniquitous it might be, and who would not pray for such success. He is a component part of the army, as much so as a surgeon, and is expected to identify his interests and feelings with theirs. Such is the close connection between the chaplain and the military enterprize, to which he is attached and to which he is called to minister, that undoubtedly instances might be adduced of preachers in this situation, who have publicly addressed soldiers on military as well as religious subjects, and have encouraged them with all the powers of their rhetoric in the prosecution of their sanguinary business. Now when a person accepts the office of a chaplain, he accepts it on the implied condition, that he will discharge its duties in accordance with the common practice and the common expectation. Any other supposition would be inadmissible, because it would universally be considered as implying dishonesty. If these are correct views, then we maintain that no Christian minister can, consistently with the New Testament and without sin, exercise the office in question.

First, He cannot preach as he ought to do. Now it will unquestionably be conceded, that a Christian minister is bound to declare the whole counsel and revelation of God; that he is not at liberty to mutilate and to keep back anything, which is important truth. It is true he may exercise a prayerful and sound discretion in respect to the times and places, when it may be proper for him to inculcate certain doctrines; but he is not at liberty to place himself in a situation where he cannot inculcate them at all. But this the military chaplain has done. There is a portion of the Gospel, which he has virtually pledged himself not to preach; there are some things,

which he cannot announce without giving great offence to his employers; he is silent, and from his very situation *must be so.* If he were to preach in the presence of the soldiers from some of the texts, which have been introduced in the course of these discussions, such as "love your enemies," "dearly beloved, avenge not yourselves," "if your enemy hunger, feed him," "do good to them that hate you," he would assuredly cause great dissatisfaction. If he were to preach from them in the spirit of the Gospel, giving them their full import, and pressing their practical application, it would be likely to be received as an insult.

Second, He cannot pray, as he ought to. If there is any occasion,on which his prayers are peculiarly needed, it is on the eve of a battle. The soldiers throng around him, and with whatever carelessness they may have listened on other occasions, they now eagerly attend to what falls from his lips. And how does he pray? What can he pray for? Beyond all question he will find himself in such a situation, that he cannot avoid praying distinctly and earnestly for the success of the army, in which he is employed. And if he prays for success and victory, (as we cannot suppose he expects they will be secured by a miracle,) he of course prays for a blessing on the means, which are ordinarily employed at such times. In other words, he prays, that the ball may be well directed and take effect, that the bayonet may strike surely and deep, that the sword and the lance may be plunged into the vitals of the enemy, that their houses may be burnt and destroyed, that their provisions may be cut off, that they may be sent by hundreds and thousands in all the blood and agony of mortal conflict, into the pure presence of a holy God. Whether such a prayer, (and it obviously means this or nothing,) can be considered consistent with the benevo-

lent principles of that Gospel, which requires us to do good to our enemies, to pray for them that despitefully use us, not to resist evil, and not to avenge ourselves, we leave to the reader to determine.

THIRD, His presence gives a countenance to all the evils, which are attendant upon war; the profaneness, the intoxication, the sabbath-breaking, the dissoluteness, that always gather in its train. These dreadful evils, as well as cruelty and bloodshed, are universally regarded as necessarily incidental to a state of war; no wars in times past have ever existed without them, nor have we any reason to expect it will be otherwise in future. It is not to be presumed, whatever may be the unfavorable tendencies of the human passions, that society would continue to tolerate the congregation of evils, direct and indirect, that are found in war, were it not for some fallacy in fact and reasoning. Men have been taught to believe, that wars are in some cases necessary, and that even the Gospel justifies them; and the presence of the chaplain in an army, praying for its success, and throwing the ennobling sanctions of religion around the field of military preparation and battle, tends to encourage and strengthen this great error. Wars, they say, must sometimes be right, otherwise the minister of the Gospel, who certainly ought to understand the principles of the religion he teaches, would not be in the midst of them, and would not sanction them by his presence. This is the effect upon men generally, upon the mass of the community.—Furthermore, we assert it with entire confidence, that, were it not for the countenance, which they receive from professed Christians in the ranks of the army and particularly from the chaplain, the soldiers themselves, hardened as they are by the tendencies of their occupation, would experience more misgivings, more doubt, more compunction of heart

in their work of destruction and blood, than they are now generally found to do. They conclude, and very naturally too, if a preacher of the Gospel, a commissioned minister of the Most High, with all his capabilities for forming a moral and religious judgment of things, approves their employment and prays for its success, it would be an excess of scrupulosity in them to entertain a doubt. And the undoubted encouragement, which they receive from this source, extends itself, in a greater or less degree, not only to the direct evils, but also to the indirect evils of war. If the chaplain approves of war, it cannot be supposed, all things considered, that he has any very serious and fundamental objection to those incidental evils of sabbath-breaking, profaneness, and the like, without which wars never have been, and never will be carried on. Especially if it should be the case, (as under the existing circumstances we imagine it will be likely to be so,) that he seldom takes an opportunity pointedly to preach against and reprove them. —We are under the necessity, therefore, of coming to the conclusion, that ministers of the Gospel cannot innocently and lawfully exercise the office of military chaplain. And if they should act generally in accordance with this view, we have no doubt, it would tend greatly to check the spirit of war.

CHAPTER SEVENTEENTH.

OF WAR IN CONNECTION WITH EDUCATION.

We have endeavored to show in a former chapter, that the great work of restoring the world to permanent and universal peace depends, in the first instance, mainly on Christians. All, who profess to be governed by the principles of the Gospel, are called upon to act decidedly in their *Christian* character; in other words, to consider abstinence from war in all cases, as an essential and indispensable requisite of that character. The world will never be permanently at peace, until this doctrine takes effect. But at the same time we are not at liberty to neglect any rightful means whatever, which can be made subservient to this most desirable result. These means are various; but one of the most important is the gentle, but efficacious influence of education. The application of this means of promoting peace may be stated in some particulars.

I,—In the first place, something is to be done by heads of families, particularly MOTHERS. It is from them that the infant mind receives, in a great degree, not only its earliest, but its most decisive direction. And it is lamentably true, that the direction, which they have been instrumental in giving, has been too often in favor of a warlike spirit. They have probably not been aware of the unpropitious tendency of the course they have often pursued; but the evil has not, on that account, been

the less real and great. They have planted the seeds and promoted the incipient growth of a military spirit by permitting the childish exultation of their little ones, on witnessing a military parade and review, to go unchecked. They have fostered this unholy spirit by allowing their children the soldierlike gratification of paper military caps, guns, feathers, swords, sashes, and all the miniature paraphernalia of war. They have put into their hands the accounts of Indian and border wars, the lives of military chieftains, military and patriotic ballads and songs, which come recommended to their youthful imaginations with the emblazonment of plates and cuts. These practices, for which mothers stand in a very high degree, if not exclusively accountable, have been almost universal; their influence is felt by almost every man of the community; and it requires no small degree both of philosophy and religion to throw it off entirely, even in the soberness of manhood and old age.

"The two first books I ever read in private, (says Robert Burns,) and which gave me more pleasure than any two books I ever read since, were the life of Hannibal and the History of Sir William Wallace. Hannibal gave my young ideas such a turn, that I used to strut in raptures up and down after the recruiting drum and bagpipe, and wish myself tall enough to be a soldier; while the story of Wallace poured a Scottish prejudice into my veins, which will boil along there, till the floodgates of life shut in eternal rest." The unfortunate Theobald Wolf Tone, speaking of his practice in early life of attending the military reviews of the garrison at Dublin, says expressly, "I place to the splendid appearance of the troops, and the pomp and parade of military show, the untameable desire, which I have ever since had, to become a soldier."

Let parents examine this matter; and considering

wherein they have been in error, pursue a different course; endeavouring to impress the susceptible minds of their children with the evils of bitterness and strife; checking all those childish practices, which, adopted under the impulse of the principle of imitation, breathe a military spirit; and substituting for the sanguinary narratives of human warfare the far more interesting records of kindness, of forgiveness, and of early piety.*

II,—In the SECOND place, a decidedly beneficial influence in regard to this matter can be exerted by SABBATH-SCHOOL TEACHERS. There are said to be at the present time not less than an hundred thousand instructers, and a million of sabbath school pupils in the United States. It is the duty of these instructers not only

* "I lately visited, (says Mr. Ladd in one of his numerous peace publications,) a distinguished instructer of youth, who has recently been converted to the peace principles; and being of a strong and discriminating mind, he did not stop half way, but came, at once, to the conclusion, that *all* war is contrary to the spirit of the gospel, and has not been afraid to publish his opinion to the world. He told me, that his boys were so taken up with military notions, that he could not reason with them, and he asked me to talk to them. I took the eldest boy, aged about seven years, between my knees, and something like the following conversation ensued. "Do you love to see the soldiers?" "O, yes, I love to see the rub-a-dubs." "Would you like to be one yourself?" "O yes." "Well, but do you know what these soldiers are for?" "No." "Why, they are learning to kill people. Those bright guns are made to kill people with, and those bright bayonets to stab them with." The boy turned pale, such a thought never before entered his head. "Do you know who killed the little babes in Bethlehem, because a wicked man told them to?" "No." "They were soldiers. Do you know who crucified our Lord, and drove spikes through his hands and feet?" The boy was silent. "They were soldiers, and soldiers would burn your house and cut down your fruit trees and kill your pa, if they were told to." Both the boys were astonished, as tears stood in their eyes. "Do you want to be a soldier?" "No." "Do you want to see the rub-a-dubs?" "No."

to explain the doctrines which are made known in the Scriptures, but the duties, which are there inculcated; to teach not only what they are to *believe*, but what they are to *do*. And if Sabbath school teachers will but fully inform themselves in relation to the doctrines and duties of peace, and will take the pains to impress them earnestly on the minds of their pupils, it is impossible to calculate, how great would be the beneficial results. Let them, therefore, seriously consider the responsibility, which is attached to them in this respect. They must become peace-men themselves; they must imbibe the true spirit of the Gospel in relation to contentions of every kind; otherwise their instructions in respect to this subject will come with an uncertain and feeble aspect, and will do but little good. And while they endeavour to explain to their pupils, that the Gospel is a revelation of love, that it forbids a resort to arms and every species of unkindness, they will find occasion to remark on the practical results and evils of war, and the great guilt of men in permitting its existence. And thus their pupils will grow up in the spirit of peace, and will be likely in all after life to diffuse around them the benign influence of pacific principles.

III,—We may remark in the THIRD place, that the instructions of the pulpit on the Sabbath constitute one of the methods of *education*. It is true, we do not, in fact, often speak of the Pulpit and of preaching in this way; but it is not the less true, that we have good reasons for doing so. It is beyond all question, that the influence of the Pulpit on the intellect of the community, as well as on the heart, is exceedingly great. And certainly it cannot be denied or doubted, that the inculcation of the doctrines of peace comes within the legitimate sphere of the preacher's duties. Unless the ministers of the Gospel of peace are willing to take the lead in the discussion

and enforcement of this matter, how can it be expected, that the heads of families, Sabbath school teachers, and other private members of their churches and societies will either fully understand the subject, or deeply feel its importance. Let it not be supposed, that we overrate the influence from this source. It cannot, I think, be doubted that, on all moral and religious subjects, the most important school of education is the Sanctuary; the rostrum of ancient eloquence, the professor's chair, the Porticos of the Athenean Philosophy, the Lyceum, are thrown into the shade in comparison with this; and certainly no minister, who has imbibed in its length and breadth the spirit of the Gospel, will exclude the doctrines of peace from the list of themes, on which it is alike his duty and his privilege to expatiate.

Nor are they to be introduced incidentally and after long intervals of time, as if they were of subordinate rank, and of little value. There may indeed be other themes of more stirring interest and of more vital import to individuals, those which concern the prospects and probabilities of their own personal salvation; but it does not by any means follow from this, that the subject of peace is of small consequence, and can be safely buried in a corner or hidden under a bushel. Very far from this. Every minister is sacredly bound to study this subject; to bestow upon it his prayerful and serious attention; to realize and to impress upon his own mind its importance; to methodize it and array it in chosen forms of speech; and with great earnestness to urge it home upon the belief and hearts and consciences and practice of his hearers. With the blessing of God he must *educate* them, not to the purposes of violence, hostility, and blood; but to the exercise of forbearance, kindness, meekness, forgiveness, and love; nor is he to circum-

scribe these benevolent exercises by the narrow domains of families and neighborhoods, but is to expand them, just as the blessed Gospel does, to the limits of nations, to the circumference of the world. In other words, he must explicitly maintain, that the benevolent principles of the Gospel, those which require love, forgiveness, the endurance of evil without rendering evil in return, are not more applicable to individuals than to communities, to families than to nations.

IV,—Academies and Colleges also have their duties to perform in relation to this matter. It is often remarked, (and perhaps the remark is not wholly destitute of foundation,) that the tendency of Academical and Collegiate education is to infuse into the young mind principles at variance with the humble and benevolent spirit of the Gospel; in a single word, the tendency is to *heathenize* it. And under the impression, which this view of things is calculated to make, some estimable men, (among others the late Mr. Grimké of South Carolina, whose labors in the cause of peace and of benevolent efforts generally we desire always to mention with respect and gratitude,) have proposed some essential modifications in the course of instruction, which has usually been pursued in such Institutions. Among other things they would entirely exclude the study of the Latin and Greek languages and literature. And why? Not because the classic languages, whether we consider their admirable structure or their close and diversified relations to the English language and to literature in general, are unworthy of attention; but because, being deeply imbued with a violent and warlike spirit, they can hardly fail to impart something of that spirit to the susceptible minds of youth. That this is an evil we admit; nor do we deem it necessary to palliate the admission by asserting, that it is a small, an inconsiderable evil. But perhaps it ought to

be remembered, that it is an evil incidental to the literature of almost every nation, in modern as well as in ancient times. Is there more of violence, bloodshed, and crime, or less of moral principle, in Livy and Tacitus, than in Machiavel and Gibbon? We think not. A *Christian* history of war has never been written; and never will be, in the spirit of commendation and eulogy. And yet all historians, modern as well as ancient, are eulogists; their works are sprinkled over with covert and open approvals and panegyrics of those, who have secured great worldly objects by the worldly methods of violence and bloodshed. Nor is this evil limited to history. We meet with it in poetry, in statuary, in architecture, in painting; wherever we turn our eyes, we behold it; we cannot flee from it, but must confront it, oppose it, resist it. We do not, therefore, feel the propriety and importance of the proposition, that the ancient languages should be excluded from a course of public instruction on the grounds, which have been alluded to.

But at the same time it can undoubtedly be admitted, that some alterations and improvements can be made as to the manner, in which these studies are to be pursued. What is chiefly necessary in order to meet the objection to the study of the classic languages, which has been hinted at above, is simply, that due care should be taken in the selection of books and portions of books. A selection certainly can be made, which, so far from tending to degrade the minds of youth and to leave upon them impressions of an unfavorable kind, will have the opposite effect of infusing sentiments of justice, purity, and magnanimity. In many writers of antiquity there are passages of a moral nature, which might well put to the blush those, who have written in later times and with better advantages for knowing the truth. If Pro-

fessor Stuart should be able to complete his Select Classics, (the first volume of which, comprising Cicero's Treatise on the Immortality of the Soul, has already been published,) we shall have a work, which surely cannot have a bad tendency.

But while undoubtedly such a course can be taken in this thing as shall be fully consistent with the interests of the great cause of peace and virtue, it must be obvious, that it is the duty of the higher Institutions of learning to instill into youthful minds principles of moral duty more elevated and heavenly, than can be drawn from the fountains of antiquity. The writers of antiquity had not those moral and religious advantages which we enjoy; if it had been their happy fortune to have possessed them, perhaps they would have improved them better. It is unreasonable to expect from them principles which are to be found in the Gospel alone, and which came from the lips of Him, who spake as never man spake. While, therefore, we would not insist, that the higher Institutions should lay aside the Classics, but should only take such care in the selection of authors and the parts of authors as the interests of true virtue require; it is their bounden duty to make those who resort to them acquainted with the exalted philosophy, with the sublime and benevolent Code of the New Testament. While we do not feel at liberty to deny to their pupils the opportunity of imbibing instruction from the lips of Socrates, Cicero, and Seneca, and some other truly illustrious names, we would earnestly urge it upon them, to give a prominent and emphatic utterance to the doctrines of Jesus Christ, and to baptize all other philosophy in His. All other systems of philosophy authorize the practice of war; but the teachings of the Savior, if we understand them either in the letter or the spirit, breath a diviner note. They proclaim peace; they announce forgiveness; they return good for evil.

V,—Finally, we take the liberty to make an appeal to men of SCIENCE and LITERATURE. The power, which these men possess, and which they exercise either for good or evil, is immense. It cannot easily be estimated too high. But it is with deep regret we are compelled to acknowledge, they have often prostituted their powers and their opportunities to purposes neither beneficial to society nor honorable to themselves. There are multitudes of writers in the English language, (and we know not that there are good grounds for claiming a greater purity for the literature of other nations,) who give such false and degrading views of human nature, and inculcate such vicious principles, that it is not safe for youth or for any other persons to read them. There have been other writers of a different stamp, who have combined the purest taste with the highest poetical invention ; but who have struck their lyres in praise of that deceitful glory which is won on the field of battle, while they have not reserved a note for the pacific virtues of the Gospel. How disastrous the influence of such writers has been, it would not be easy to describe.

But we indulge the hope of a better state of things; we already see its beginnings ; more refinement of taste, more purity of sentiment, more regard for the public morals and happiness, a gradual but sure approximation to the sublime purity and benevolence of the Gospel standard. There is a new thing under the sun. Religious men, not nominally so but in reality, men of faith, benevolence, and prayer, stand high, even by the consent of their opposers, in the ranks of literature ; men, who like Paul can place themselves on the Areopagus and hold disputation with Philosophers, and like the royal Psalmist, drink inspiration from Siloa's brook, "fast by the Oracle of God." How encouraging and delightful would it be, if all were such ; if all powers of thought

were baptized into the spirit of religion ; if all powers of imagination were borne upward on the wings of the Celestial Dove ; if all powers of perception, reasoning, and eloquence were consecrated to truth, to purity, and the real happiness of man.

CHAPTER EIGHTEENTH.

NATIONAL GLORY AS CONNECTED WITH WAR.

One of the sources of evil and suffering, worthy of the notice of the Christian and philanthropist, is the false notions of glory, which are so prevalent among mankind. That there is such a thing as reputation, however, or glory, or whatever other name it may be called by, it is not necessary for our present purpose to deny. If we may without impropriety speak of the glory of the Deity, may we not also speak of the glory of the creatures he has made, at least so far as they bear his likeness and reflect his excellencies ? It is true that the term glory is somewhat indefinite, and if we should take time to define its meaning and its shades of meaning, we should be likely to occupy the whole space allotted to this chapter. Without, therefore, entering into this matter, we take it for granted, that there is such a thing as glory, as *true* glory ; and that every one, when he uses that term, attaches a meaning to it.

The phrase National Glory suggests something rather more definite, than the single term glory, used without any qualifying epithet. National glory, as the phrase is commonly understood, at the present time, expresses that species of reputation or honor, which is founded on brave and successful efforts in war. We do not mean to intimate, that such is necessarily its basis, but merely to express the fact, that such at least is its *imputed* basis. If there is any other foundation of national glory, it is scarcely recognized, and is certainly regarded as of little or no account. Such, therefore, is the perversity of the human mind on this subject, that a nation's glory is estimated to be nearly in proportion to the national capabilities for destroying the human race in future, and the successful exercise of those capabilities in time past. When an Englishman speaks of the glory of his country, what is it he is thinking of—what particular recollections and associations occur to his mind? His mind is undoubtedly more taken up with the recollection of military achievements, than with any thing else. He is musing, in all probability, on what his country has done nobly and successfully in war; on the splendid names of Blake, Howe, and Nelson, of Marlborough and Wellington, and others renowned in the history of his country, particularly in naval warfare; and is perhaps running over in his mind the spirited lyrics of Campbell,

"Ye mariners of England,
"Who guard our native seas,
"Whose flag has braved a thousand years
"The battle and the breeze.

And when a Frenchman speaks of the glory of France, what is *his* train of thought—and what are *his* reflections? Is his attention directed to the agriculture of the country, its commerce, its common schools, its social improvement, the progress of the useful arts, ad-

vancement in morals and religion? Whatever place these may have in his thoughts at other times, it is almost certain that, when his mind is inflated with the grand conception of national glory, they are never thought of. It is the pageant of warriors, battle fields, and military monuments, that is sweeping before his excited memory; the battle of the Pyramids, the glorious death of Desaix, the wonderful passage of the Alps worthy of the modern Hannibal and the sublime pencil of David, the terrible bridge of Lodi, the victory and the sun of Austerlitz.

National glory, therefore, in the common apprehension of the term, is to be regarded as the designation or name of a complex conception, embracing the various elements and capabilities of war, particularly as they have been exhibited in the past history of a country. And as such it is revolved, mused upon, and cherished, till it becomes a sort of personification, a species of animated existence, floating in the air and radiant with celestial hues, and beckoning the beholders onward and upward to the transcendent heights.—Now what we mean to say is, that national glory, as thus understood, is a source of unspeakable evil; and that this false image, which is leading men astray and hurrying them on to deeds of blood, ought to be demolished. As men never act without some motive, their actions of course take their charac ter, in a greater or less degree, from the views which they may happen to form. Now national glory, existing in this distorted and most injurious form, becomes and is a most powerful motive to action; stimulating large masses of men with a sort of indescribable fury. So much so, that, although many wars have arisen from caprice, prejudice, and mere rapacity, a greater number have undoubtedly had their origin from erroneous conceptions of national glory.

But how are the evils, which are now complained of, to be corrected?—In the first place, by showing that the glory, which is based upon the elements, capabilities, and spirit of war, is no glory at all; but rather dishonor, disgrace, and ruin. And, although this is certainly a matter of some difficulty, yet it can probably be accomplished with suitable pains on the part of those, who feel an interest in the subject of peace. Let Christians and philanthropists avail themselves of the agency of the press, and communicate extensively the statistics of the expenses of war, the increase of the people's burdens occasioned by war, the immense loss of human life, the demoralizing effect of standing armies, the innumerable forms of domestic wretchedness originating from national strife, and the eyes of mankind will at last begin to open; they will arise as from a dream; the bright form of National glory, based upon war, will change its lustre and look dark and lowering; and under the impulse of better views, they will dash their idol to the ground and trample it under their feet.

In the second place, efforts ought to be made to build national reputation or glory on a more correct foundation.—And in order to this, there must be, among other things, a great revolution in literature; a revolution which is already begun and is perceptibly advancing. As matters now stand, music, painting, statuary, history, poetry, are all subservient to that false idea of national glory, which is so prevalent. But a great change is destined to take place. As an instance and illustration of what has been remarked, we doubt not that the time will come and probably soon come, when history will assume a new form, and be written upon new principles. It is now a mere series of battles. Very little is said of the organization of government, and of the principles, on which governments are in *fact*, or *ought* to be adminis-

tered; still less of the progress of the arts and of knowledge in general, of the character and habits, of the virtues and the vices, of the sufferings and enjoyments of the great body of the people. Military matters are predominant, and every thing else is thrown into the back ground. But the public mind begins to tire of these details of blood, and to demand another kind of food. The multiplication of such works as Hallam's Constitutional History of England and Pitkin's Civil and Political History of the United States, (not to mention others of a mixed historical and political character such as La Croix's Review of the Constitutions of the principal States of Europe, President Adam's Defence of the Constitutions of the United States, and Judge Story's Commentaries on the American Constitution,) clearly indicates, that the public taste is becoming less warlike and more civic. So great is the change already taken place, that a debate in Congress, Convention, Parliament, Storthing, or Cortes, on some great constitutional or political question, excites an interest throughout the nation, which a few years since could have been excited only by the announcement of thirty or forty thousand slain in some great battle. And now let people generally begin to feel, that their national glory, at least one great element of it, consists in the excellence of their civil and political institutions rather than in their ability and skill in war, and the war-spirit will soon be sensibly diminished, and the effects will be exceedingly beneficial.

A change is going on also, somewhat analagous in its character, in other departments of literature. Even Poetry, that has been so long and so unhappily allied to the spirit of war, is beginning to put away the garments rolled in blood, and to array her native beauty in the pure and beautiful vestments of peace. A few years

CHAPTER NINETEENTH.

OF THE DUTY OF PRIVATE CHRISTIANS AND MINISTERS.

Before leaving the subject of the means to be employed, in order to secure the triumph of pacific principles, it is proper to say something further of the duty, which is especially incumbent on professors of religion. The subject has already, in repeated instances, been briefly alluded to; but it is obviously too important to be passed by without some further notice. The church of Christ must take the lead in this great work, or it is in vain to expect it will ever be done. It is believed, that the experiment has already been so far tried as to give satisfaction on this point. Again and again the miseries of war have been described; the vast expenses and the system of taxation attendant upon a state of war have been insisted on; appeals have been made both to the sympathies and the interests of men; the subject has been frequently brought before men elevated in political life; but all in vain. It is true, public attention has been partially gained, and a slight impression has been made adverse to the practice of war; but the root of the evil has not been touched. The elements of the volcano are still at work under the surface of society, ready to burst forth on a thousand imaginable conjunctures with unmitigated fury.

But how does this happen? Why is it, that, after this repetition of warnings and these repeated appeals, the danger is still imminent? It is because one great means, a means more effective than any other, has been wholly overlooked. Unhappily, with the exception of the Primitive Christians and of a few more recent denominations of Christians comparatively small in number, the appeal has never been made, from the time of Christ down to the present moment, to the Christian church *as a church*. It is true, that appeals have frequently been made to Professors of religion as men, as citizens, and as philanthropists; but very seldom, and never, in the way of any general and systematic effort, have these appeals been made to them as occupying the distinctive and far higher ground of christianity. They have never been taught to believe and to feel, as they ought to have been, that they cannot be accessory to war and at the same time maintain their Christian profession; that war and christianity are in utter and endless conflict with each other. Here is the key of the position; here is ground to be occupied, which has been almost wholly overlooked; if this ground shall once be secured, and a barrier firm and impregnable shall be erected here, this tremendous evil will soon cease to spread its devastations over the world.

Professing christians occupy precisely the same position in regard to the great pacific reformation, which must sooner or later inevitably take place, that temperate drinkers but recently occupied in respect to the Temperance reformation, which is now in such encouraging progress. It is but a few years since, and drunkards universally appealed for example and authority to those, who were not drunkards, but nevertheless advocated the right and the expediency of drinking occasionally, only let it be done temperately. Nothing could be

effected under such circumstances; it was found necessary, that a new principle should be adopted; before a reformation could reach the drunkards, it was necessary, that there should be an absolute and total reformation of the temperate drinkers. And now we have another great reformation in hand still more important; and in pursuit of it we declaim against military men and military statesmen; but we do not touch their conscience; we do not start them an hair's breadth from that position of crime and cruelty which we believe they occupy. And why not? It is because they are sustained by professors of religion; it is because while they avowedly drink often and deeply into the spirit of war, the followers of the benevolent religion of Jesus support them by drinking *temperately*; it is because they see Christians cheerfully paying taxes for their support, and behold Christians in their own ranks, and hear Christians praying for their success. This is the secret, as time will assuredly show, of the great strength of that spirit of war, which has so long pervaded the world.

If these suggestions are well founded, it cannot be denied, that an immense responsibility rests upon the Church; and we have no doubt, that the time is coming, and coming speedily, when they will be disposed to confess with sincere sorrow, that the immeasurable evils, resulting from the wars in which men have been engaged, are justly chargeable, in a very high degree, to their own stupidity, blindness, and dereliction of principle. We solemnly put it, therefore, to the professors of the Christian religion, how they can answer it to their conscience and their God, that they remain so quietly and stupidly accessory to the evil of war; by their own admission, one of the greatest evils that ever afflicted our sinful and suffering race. It will not avail them to say, that they have always assented to the evils of war;

that they have always maintained it would be for the interests of mankind to leave off war; the root of the malady is not reached by such methods as this; "*leviathan is not so tamed.*" In this case as in others, and more than in most others Christians are bound, by every consideration of duty and of love to Christ's cause, to oppose the spirit of the Gospel to the spirit of the world; to put off their shoes from their feet; and to stand firmly upon the only ground, which will sustain them in such a conflict, the holy ground of Christian *principle*. They must learn what the Gospel teaches; the doctrine of the Gospel, whatever it may be found to be, must be their immutable rule of conduct. When they conform themselves to this rule, and not otherwise, they may be said to act upon principle. And the rule of the Gospel, the principle which it establishes beyond all question, is, total abstinence; touch not, taste not, handle not; have nothing to do with war; have nothing to do with the preparations for war; wash your hands clean, now and forever, from the stain of human blood.

But in these views it seems proper to make a distinction between ministers of the Gospel and the great mass of Christian professors.——If a great responsibility rests upon professors of religion in general, a still greater rests upon preachers and ministers. All Christians are represented as lights in the world, and are required to let their light shine for the illumination of others; but ministers are, in some important sense, the light of private Christians. We are persuaded, that no private Christian ought to mistake his duty on this subject; so explicit are the instructions of the New Testament in regard to it, that no one can justly plead ignorance; but this does not alter the well-known fact, that private Christians do not, as a general thing, adopt novel principles and practices, however scriptural they may be,

unless they are led into them and encouraged in the course they take by their stated religious teachers. We come to the conclusion, therefore, that the attention of ministers of the Gospel is particularly called to the subject before us; that upon them, more than upon any other class of persons, rests the important question, whether wars shall cease from under the whole heaven. It is desirable, that they should weigh well this solemn responsibility. Whether they have done their duty in this matter hitherto, whether they have brought to its investigation all their powers of intellect, and all their spirit of prayer, is for them to determine. If they have not, let them think well of it; let them compensate, so far as can now be done, for the negligence of the past by the fervent zeal and untiring efforts of the future. If ministers will faithfully do their duty in this thing, there is no question, that the churches will ultimately, and in all probability very soon, respond to their efforts. No minister ought to rest, no minister ought to consider himself as having discharged his whole duty, until he has seen the members of his church formed into a peace society on the Gospel principle of *total abstinence*, renouncing forever, and at all hazards, military enrollments, military musters, the payment of military fines, and all other efforts and contributions of a clearly military nature. What a spectacle would then be presented to the world! Even impenitent and irreligious men would rejoice in it. Hope would arise in the darkened and depraved mind of the soldier. The eyes of experienced Statesmen would be gladly directed to this transcendent beam of millennial light. Mankind would smile in their sorrows, and say, *It is indeed the star of Bethlehem*!

CHAPTER TWENTIETH.

PRACTICAL EFFICACY OF THE PRINCIPLES OF PEACE.

It may be said with some degree of plausibility, that the principles of peace are not the principles of protection; and that, if we throw off the aspect and attitude of war, we shall not only be insecure against hostility, but shall invite it. Whether this objection involves a fallacy or not, it is beyond all question, that it is cordially received as an undoubted truth by many persons, who invest themselves with it as with a shield, and avail themselves of its aid to throw back, to a measureless distance, whatever is addressed either to their understandings or their hearts on the great subject of universal peace. They take their stand upon this simple proposition alone, that no nation is safe without military preparation. They assert with as much confidence, as if they were pleading the authority of a mathematical axiom, that there is no security, and no peace, except on the condition of bloodshed; that he, who will not fight, must make up his mind to become the prey of every species of depredation. Nor can we justly assert it to be altogether without reason, that men so generally take this position, when we remember that the history of the world, with but few exceptions, is the mournful history of international jealousy and strife. And yet we feel in some degree prepared to maintain, (and we hope

with the prospect of a successful issue upon the mind of the objector himself,) that, amid all the belligerent elements existing either in individuals or communities, pacific principles are the surest safeguard. We verily believe, that in these principles there is a secret power, a hidden but most effective energy, which is but imperfectly understood. If men had the faith to receive it, they would not fail to find, that the panoply of love is more impenetrable to the attacks of adversaries than that of steel.

We hope not to be charged with extravagance. God himself has made provision for this great result. The security, which is to be found in pacific principles, is based in the constitution of the human mind itself. We are so constituted by our Maker, that we naturally feel an interest in innocence and weakness ; and it excites in every man, whose feelings have not been greatly perverted, the deepest disapprobation and abhorrence, when they are made to suffer. Why is it, that little children and women and feeble old men are, in a vast majority of cases, fully protected amid the widespread and deepest horrors of war ? Will it be said, that they find their protection in force ? But they exhibit nothing of this kind ; they have no arms ; they present no organization and array of battle ; on the contrary they make their appeal to the PENETRALIA of the soul ; they look for protection to the great principles of humanity alone. A little child was once found on the field of battle by an infuriated soldier of a victorious army. He looked up into his face, and prompted by the protecting instincts of nature, exclaimed, "*Do not kill me, I am so little.*" In such a simple appeal as this, coming from the soul and addressing itself to the original and immutable principles of our nature, we do not hesitate to say, that there is a reality and effectiveness of power. Perhaps there are men to be

found, who would kill the little child in the very act of making this simple and pathetic appeal. But do not the most sacred instincts of our nature rise up against them? Do we not call them base assassins, murderers, and monsters? Is there one to be found in a million, who would be accessory to such a crime? It is with the greatest confidence, therefore, we assert, that, in the elements and arrangements of things, a wise and adequate provision is made for the protection of innocence and weakness. It is in consequence of this provision, which a kind Providence has made, that the tempest of war, while it smites the strong man armed, while it rends the oak and the mountain rock, so often leaves uninjured the reed and the flower, that bend submissively before it.

We might bring instances, multitudes of instances from common life, where mild and pacific measures have secured that protection, which never would have been yielded to force. There is much philosophy in one of Æsop's Fables. The sun and the north wind once had a contest, which should first disarm a certain traveller of his cloak. The wind blew, but the traveller wrapped his cloak about him; it blew more loudly and angrily, but the traveller, exerting all his strength, held his cloak more firmly and closely than ever. The sun took an opposite course; he gave no indications of violence and wrath; he spread over hill and valley the warmth of his purest and gentlest radiance; the traveller smiled, and at once yielded the cloak to kindness, which he had refused to force. This is a picture of human life. It finds its counterpart all the world over, and it would be an endless labor to exhaust the illustrations and proofs, which every where present themselves.

In the early part of the year 1833, or about that time, an agent of the Bible Society was travelling in the Mexican province of Texas. His course lay through a piece

of woods, where two men waylaid him with murderous intentions ; one being armed with a gun, the other with a large club. As he approached the place of their concealment, they rushed towards him ; but finding that no resistance was offered, they neither struck nor fired. He began to reason with them ; and presently they seemed less eager to destroy him in haste. After a short time he prevailed on them to sit down with him upon a log and talk the matter over deliberately ; and finally he persuaded them to kneel with him in prayer; after which they parted with him in a friendly manner.*——And this is the direct tendency of a pacific and benevolent course; it touches a chord in every human heart ; it has influence with the most abandoned ; it has power even with the assassin.

Nor is this meant as a mere emphatic declaration, which is to be taken with some diminution of its obvious import. We have no doubt, that a traveller would be more safe among an uncivilized and barbarous people, where assaults and assassinations are frequent, without arms than with them, provided it were *known*, that he was unarmed. And in proof of the correctness of this opinion, we will introduce here an extract from Ramond's Travels in the Pyrenees. Speaking of the Spanish smugglers, he says, " These smugglers are as adroit as they are determined, are familiarized at all times with peril, and march in the very face of death; their first movement is a never-failing shot, and certainly would be a subject of dread to most travellers ; for where are they to be dreaded more than in deserts, where crime has nothing to witness it, and the feeble no assistance ? As for myself, alone and unarmed, I have met them without anxiety, and have accompanied them without fear. We have little to apprehend from men

*Calumet vol. i. p. 581.

whom we inspire with no distrust nor envy, and every thing to expect in those, from whom we claim only what is due from man to man. The laws of nature still exist for those, who have long shaken off the laws of civil government. At war with society, they are sometimes at peace with their fellows. The assassin has been my guide in the defiles of the boundaries of Italy; the smuggler of the Pyrenees has received me with a welcome in his secret paths.

"*Armed, I should have been the enemy of both; unarmed, they have alike respected me. In such expectation, I have long since laid aside all menacing apparatus whatever. Arms may, indeed, be employed against the wild beast, but no one should forget that they are no defence against the traitor; that they irritate the wicked, and intimidate the simple; lastly, that the man of peace, among mankind, has a much more sacred defence—his character.*"*

I have often thought, that the history of missionary efforts throws some light upon the great, but hitherto generally unacknowledged truth of the protective efficacy of pacific principles. The missionary goes from his native country into some distant and savage land; he takes up his abode in desert and inhospitable places, among a people of a strange language and ferocious habits; he teaches a new and holy doctrine, altogether at strife with the superstitions and practices of their country; he has no military arms for his defence, but is in that respect utterly exposed and defenceless. And yet he is entirely secure; far more so, than if he were girt round with the unholy protection of weapons of war. With a mild and beneficent expression of countenance, he is greeted by rude and ferocious Savages, whose trade has been one through life of hostility and bloodshed. They see that he is a man of peace; they recognize the exalted and divine nature of the principles of peace;

* As quoted in Hancock's Principles of Peace.

they are struck with veneration and with awe; something within them, (the voice of that God, whom they have been accustomed to see in the sun and the stars and the woods and the mountains,) persuasively whispers, that the man of love and peace is under the special protection of the Great Spirit, and that it would be wrong, as well as dangerous, to do him harm. We would not, however, be understood to deny, that missionaries have sometimes been persecuted, and have sometimes fallen on the trying field of their labors; but so far as we have been able to learn, it has always happened under misapprehensions, on the part of the Savages, of their true character, intention, and objects. Whenever their character and objects have been fully apprehended, they have stood erect and safe; they have gone forth amid the perils, that surrounded them, like the pious men of old, who were unharmed in the midst of the fiery furnace; the mouth of lions has been shut, and the Elliots, Brainerds, and Martyns have walked fearlessly and securely in their den; not because a miracle has been wrought in their favor; but because the God of nature and of revelation has by an immutable purpose linked the lion and the lamb together; has attached power to peace, has imparted efficacy to love.

And we might with propriety refer here to those sects of Christians, who have adopted the peace doctrine as one of their distinctive tenets; particularly to the Quakers or Friends. This religious sect is understood to reject altogether the use of military arms as a means and resource of defence. Acting upon that leading doctrine of the Savior, that we should love and do good even to our enemies, they call to their aid the protection of no weapons but those of justice and affectionate good will. But who ever hears of a Quaker being insulted, beaten, dragged out of his house, or in any way maltreated and injured?

"Integer vitæ scelerisque purus,
"Non eget Mauri jaculis neque arcu.

Even in times of war, when hostile armies are spreading their devastations over the country, their dwellings are safe, their persons are respected; while in mournful contrast, those, who look for protection in the practical application of the pugnacious and military doctrines, are seen wrapped in fire and weltering in blood. We do not mean to say, that in no case whatever has a member of those religious sects, who adopt in their full extent the principles of peace, been doomed to suffer violence and injustice; but we do mean to say, (and to assert it too with entire confidence,) that as a general thing they have found in the celestial shield of their amicable principles far more of quietude, far more of protection and happiness, than other religious sects have, who have recognized the right of an appeal to force.——History is rich in proofs on this subject. During the first century and a quarter after the settlement of New England, the inhabitants were constantly, with the exception of some short intervals, exposed to attacks from the Savage tribes. But the Quakers, who were mingled with the other inhabitants in various places, were entirely safe, although they refused to avail themselves of the protection both of arms and of garrison houses. The Indians said, "They had no quarrel with the Quakers, for they were a quiet, peaceable people, and hurt nobody, and that therefore none should hurt them."* During the rebellion in Ireland in the year 1798, (also in the same country during the Revolution of 1688,) the Friends, by keeping true to their peaceable principles, were preserved from the miseries of those disastrous periods. Of the occurrences in 1798, so far as the Society of Friends was concerned, we have an interesting and circumstantial

* Chalkley's Travels as quoted by Hancock on Peace. Chap. VI.

account in Thomas Hancock's Principles of Peace; a work exceedingly worthy of the attention of the friends of pacific doctrines. Amid the greatest excitement of the public mind, when crimes were frequent and every species of violence was practised, the Society of Friends, although in immediate contact with both of the hostile parties, lost but *one young man*. And this person, subjecting his principles to his fears, had taken the course of wearing a military uniform and of associating with armed men; and this was the occasion of his death.

The statements, which have been made in respect to the Society of Friends, are corroborated by the history of other pacific sects, the Shakers, Menonists, Dunkers, and Moravians. During the rebellion in Ireland in 1793, the rebels, it is stated, had long meditated an attack on the Moravian settlement at Grace-hill, Wexford county. At length in fulfilment of their threats, a large body of them marched to the town. But the Moravians, true to their principles in this trying emergency, did not meet them in arms; but assembling in their place of worship, besought Jehovah to be their shield and protector in the hour of danger. The hostile bands, who had expected an armed resistance, were struck with astonishment at a sight so unexpected and impressive; they heard the prayers and praises of the Moravians; they listened to supplications in their own behalf; and after lingering in the streets a whole day and night, they with one consent turned and marched away, without having injured an individual.*—The Shakers too have experienced a share of that protection, which pacific principles are sure to afford. About the year 1812, the inhabitants of Indiana were harassed by incursions from the Indians; but the Shakers, who lived in that region, although they were without garrisons and without arms, appear to

* The Friend of Peace, Vol, II, No. 7.

have been entirely secure, while the work of destruction was going on around them. The question was once put to a prominent Chief, why the Indians did not attack and injure the Shakers as well as others. His answer was; "We warriors meddle with a peaceable people! That people, we know, will not fight! It would be a disgrace to our nation to hurt such a people."*——If we turn away from individuals and from classes of men, we shall find in states and nations a developement, and demonstration even, of the vast moral power of pacific principles.

There is within the limits of Italy a little commonwealth, called the republic of San Marino. This is said to be, and probably is, the smallest independent state in Europe; occupying in its whole circuit a single mountain and two adjoining hills. Its whole extent is about thirty square miles, and it comprises in its capital and four villages 7000 inhabitants. The government is in the hands of a senate of three hundred elders, and an executive council of twenty patricians, twenty burghers, and twenty peasants. This inconsiderable republic has existed nearly the same as at present for thirteen hundred years.—Within that long period mighty nations have arisen and fallen; Italy itself has been again and again visited with mighty armies and covered with blood; crowns have been rent and dynasties have crumbled; republics too, proud in their military strength, and unwisely disposed to nourish a military spirit, have been swept away from the face of the earth; while the little republic of San Marino, which, relatively considered has ever been utterly defenceless, has remained unassaulted and safe. Its weakness and its professedly acting upon pacific principles has been the secret of its strength; and not the smallness of its territory. No one, intimately acquainted with history, can have failed to perceive, that no territory is so small or so barren as not to be an

* The Friend of Peace, Vol. II. No. 3.

object of national cupidity. And San Marino would long since have been incorporated into the domains of some neighboring and more powerful state, had it not been for the incredible disgrace, which would have attached to such a transaction.

Another instance, illustrative of the views which we are now taking, is the Loochoo Islands, situated in the neighborhood of the Chinese Sea. The people of these Islands are asserted by those, who have visited them, to be ignorant of arms, and of the art and practice of war. As might be expected under such circumstances, they are found to be a people singularly agreeable in their tempers and manners; distinguished for their honesty and integrity; well acquainted with agriculture, and also with some of the mechanical and manufacturing arts. It does not appear, that their ignorance of war and their reliance on pacific principles renders them more insecure than other nations; their benevolent and pacific character is the pledge of their security; they live in peace among themselves and with others, and are happy.—— The mention of this singular people naturally reminds us of their neighbors, the Chinese. It is well understood, that the Chinese are almost entirely destitute of military resources and power; nor do they appear to have any military aptitudes and dispositions. But what nation stands more secure! What nation has experienced fewer violations of its territory, or fewer infractions of its rights! It is with them, as it was with the Romans in the time of Numa Pompilius. Before the time of that king, Rome was at war with all the neighboring nations; a great portion of Italy was constantly in arms; and no name was more dreaded and hated than that of the Romans. Numa took a different course from that of his predecessor, the warlike Romulus; he introduced religious rites and ceremonies; he endeavored to turn the

attention of his people from warlike pursuits, and to inspire them with a love for the practices and arts of peace; he quelled the dissensions existing among themselves; and inculcated upon them a reverence for the Deity. The neighboring nations, who anticipated from the Romans an interminable war, were filled with astonishment at such an unexpected change. They threw aside their arms, and hailed the Romans as friends. The statement of Livy is, "finitimi populi, qui ante, castra, non urbem, positam in medio ad solicitandam omnium pacem, crediderant, in eam verecundiam adducti sunt, in civitatem, in cultum versam Deorum, *violari ducerent nefas!*"

The republic of Switzerland is another instance, favorable to the illustration of our subject. Since the early efforts of that remarkable people to throw off the yoke of Austria and to establish themselves as an independent State, (that is to say, for the long period of 500 years,) they have, with but few exceptions, been at peace with the surrounding nations. While other nations around them, France, the States of Italy, Austria, Prussia, Saxony and Holland, have been engaged in an endless series of bloody wars, the Swiss have remained quiet upon their mountains; have tilled with patience and cheerfulness their rugged soil, and have reaped the rewards of their laborious industry and pacific principles in the possession of health, competence, honor, and domestic enjoyments. Will it be said, that the security, which Switzerland has enjoyed, has been owing to the acknowledged fact of the distinguished bravery of her sons? That this has had its weight cannot be doubted; but this circumstance alone does not furnish an adequate explanation. The form of the Swiss government is that of a confederated republic; the cantons are dissimilar in religion and habits; and the bond of the confederacy, while it secures the great object of union, is too feeble to

secure that of strength.—Independently of the acknowledged bravery of her inhabitants and of the facilities for defence furnished by her Alpine position, Switzerland is undoubtedly one of the weakest countries in the world. —Her citizens are brave undoubtedly, but what does that avail, if there is not strength enough in the General Government to concentrate them in sufficient numbers and for a sufficient length of time in those strong holds, which nature has built up in the midst of her? Beyond all question it is in the power of some of the neighboring States, to overrun and conquer Switzerland, if they had the disposition so to do; and yet she remains undisturbed, free, flourishing, happy. And the simple reason is, not that she has any thing like the military strength of England, France, or many other nations, but because she exhibits no undue ambition to enlarge her territory, aims at no other object than security within her own limits, is scrupulously upright and honorable in her treaties and political conventions, in a word, endeavors to give no just and well grounded offence to any one. Such a nation will always be found to be essentially impregnable, because it will have in its favor the moral sense of the great community of civilized nations.

Another instance in favor of our views is to be found in the history of the Commonwealth of Pennsylvania. Of the character of the distinguished founder of Pennsylvania, by whose advice its early doings were chiefly directed and who stamped upon its early history the impress of his own great mind, it is unnecessary to speak any further than to say, that by its simplicity, benevolence, and strict uprightness, it was the pattern of what every statesman, who wishes well to his country, ought to exhibit. He had no ends of violence to accomplish; and whatever he did, was done in the spirit of justice. And what was the result? Was his colony the scene of strife

and bloodshed? So far from it that for seventy years after the forming of his celebrated treaty with the Indians, (that treaty of which Voltaire said with too much truth, "that it was the only one ever concluded between Savages and Christians, that was not ratified with an oath, and the only one that was never broken,") not a single note of warlike preparation was heard. While the Puritans of New England, with all their estimable qualities, were involved in frequent and bloody wars with the savage tribes, the colony of Penn remained at peace; the Indians around them, mistrustful through ignorance and violent by habit, recognized with an instinctive quickness the preeminence and sacredness of benevolent principles, held forth the wampum of pacification, and smoked with their Quaker brethren the calumet of love. It was not the sword, that tamed their unconquerable spirit; it was not the threatening aspect of military array; but the simple principle of non-resistance; a principle so unheard of, so out of the common track, so sublime, so godlike, that they bowed down before it as one man.

And might we not further appeal to the history of our own beloved country, acting in its confederated and national capacity? The policy of the United States, since the acknowledgement of our independence by England, has been essentially, and in a very marked degree, *pacific*. It must be very obvious to any one, who has studied the history of our country, that our rulers have based their expectations of success in their external policy, not so much upon our military power, as upon the just and equitable principles, which they have endeavored to infuse into that policy. Our national expenditures for military and naval purposes, compared with those of other nations of the same amount of population, are exceedingly small. And yet the United States have ever

received, in their intercourse with foreign nations, their full share of respect and confidence; they have indeed sometimes, owing chiefly to the peculiarly disturbed state of Europe, suffered great and unmerited injuries; but they have seldom failed in the end of obtaining ample redress. We certainly hazard nothing in saying, that they would not be more respected, happy, successful, or better treated, if their policy were of a more martial and belligerent cast.

In bringing this Chapter to a close, let us not forget, that the Supreme Being always regards those with a peculiar interest, who, in the exercise of a sincere and humble reliance upon Him, endeavor to do his will. Human nature is undoubtedlyso constituted, that a truly and consistently pacific life is the best protection, so far as human agency is concerned, which one can possibly have. But in addition to this, the eye of that God, without whose notice not even a sparrow falls to the ground, watches and guards those, who trust in him. "It is better to trust in the Lord, than to put confidence in princes." "When a man's ways please the Lord, he maketh even his enemies to be at peace with him." These are his own declarations. Let us take him at his word; and not incur the wo denounced upon those, who went down to Egypt, and trusted in chariots and horsemen; but looked not unto the Holy One of Israel. Let us rather imitate the example of the pious Ezra, when placed in a very trying situation. "And I was ashamed to require of the king a band of soldiers and horsemen to help us against the enemy in the way; because we had spoken unto the king, saying, The hand of our God is upon all them that seek him, but his power and his wrath is against all them that forsake Him. So we fasted and besought our God for this, and He was entreated of us."

CHAPTER TWENTY FIRST.

OF NON-INTERCOURSE IN CONNECTION WITH PEACE.

If nations cannot, consistently with the principles of the Gospel, go to war with each other, it becomes an important inquiry, what course they shall take in certain emergencies constantly occurring, such as the partial infraction of treaties, the confiscation or detention of property, the non-payment of debts acknowledged to be due, a refusal to reciprocate the privileges of commerce, and the like. In maintaining the inviolability of human life, and the utter unlawfulness of all kinds of war, it does not necessarily follow, nor do we intend by any means to assert, that we are bound to subject ourselves to the repetition of such injuries, if we can rightfully and peaceably avoid it. There is one practice already known in the Law of nations and sanctioned by high authority, which we apprehend will be more likely than more violent methods to secure the objects for which war is commonly commenced, and which at the same time possesses the immense advantage of being accordant with the principles of the Gospel. We refer to the practice of Non-Intercourse. It will not surprise us, if the mere soldier, or the man, who is so busy with his own private interests as to have no thought for the sufferings and tears of his fellow men, should contract his lips with contempt at what he will deem, no doubt, a very pusillanimous suggestion. We do not hesitate, however, to assert, that, when our efforts to secure with other nations

an intercourse founded on justice and reciprocity have clearly failed, when we have nothing to expect but the reiteration of hostility and wrong, the safest course we can take if we consult our interest, and the *only* course, if we wish to be governed by the principles of the Gospel, is to suspend that intercourse, and leave them to themselves. This is a practice, to which we are not unfrequently obliged to resort in common life. If one of our neighbors is a man of a haughty and capricious temper, if his intractability be obviously such that he takes no cognizance of our good intentions, and is not disposed to reciprocate or even to receive our good offices, having made all the kind advances which we reasonably can, we at length feel ourselves justified in taking the resolution of breaking off all communication. The person, whom we thus discard is ready to engage in a quarrel; perhaps that is the object of his strange and refractory conduct; but we do not consider ourselves called upon by our character either as men or as Christians any longer to have any thing to do with him; least of all, in the way of bodily and personal conflict. We simply, both for our own sakes and for his, establish a system of NON-INTERCOURSE, and thus leave him to those opportunities of solitary reflection, which sometimes constitute the bitterest wages of iniquity. All moral, religious, and literary associations, formed by voluntary consent, act upon the same principle. If a member of such an association so far diverges from the line of its just and legal requisitions as to place himself in an injurious and hostile attitude, instead of taking the course of breaking his limbs and shedding his blood, they merely institute a non-intercourse, and insist, as a matter beneficial to all parties, upon his temporary or permanent removal. This is the case in churches, which are voluntary associations, formed for moral and religious purposes. When a member of a church pursues a course, ob-

viously at variance with the principles on which the church is constituted, the other members, after having used suitable means to reclaim him without effect, remove him from their circle by suspending or excommunicating him. In other words, they establish a non-intercourse ; a measure, the most simple and effective, as well as being in accordance with the mild and benevolent spirit of the Gospel.

The principle of non-intercourse is as applicable to nations as to individuals or to private associations ; and happy and glorious will that day be, when it shall be substituted in the affairs of nations for a resort to war. It is not only a remedy, which can be applied ; but a remedy, which will have effect ; it will be more likely than any other to secure the object, for which it is adopted. Let us illustrate the subject. We will suppose, that France owes to the United States a certain sum of money; (say the sum recently in dispute, five millions of dollars,) and refuses to pay. Then the question before the United States is, if all other means of redress have failed, whether under these circumstances they shall resort to the pacific measure of a suspension of intercourse, or to the belligerent measure of reprisals and war. Saying nothing of duty, saying nothing of the sacred requisitions of the Gospel, we may with propriety compare the two measures, on the ground of *expediency*. If we declare war, or make reprisals in any form, or take any truly belligerent measures, we may well inquire, what we are likely to gain by such a course.

In the first place, do we gain the five millions? Not at all. If there had been no resort to warlike measures, the French might have ultimately paid the sum in question ; but the resort to such measures at once puts the payment at an infinite remove. No one, who is acquainted with the character of the French nation, a people that have always plumed themselves on their warlike

spirit, will be so foolish as to suppose, (and the same may be said of almost every other nation,) that they will pay the five millions, or the millionth part of five millions, on *compulsion*. But is the loss of the five millions the *whole* loss ? Certainly not. If the war is carried on with vigor, the expense will be at least fifty millions of dollars a year ; and supposing the war to continue five years, which is perhaps a fair estimate of its continuance, we incur the solid burden of two hundred and fifty millions. And if we add to this the loss incurred by the depredations on our commerce and in other ways, we may safely estimate the whole expense and loss to our nation at five hundred millions. And we lose in the conflict at a reasonable estimate fifty thousand men. This is the result ; a loss of five hundred millions of money and fifty thousand men, and nothing gained ; saying nothing of the demoralization attendant on a state of war, and of the unspeakable sufferings, scarcely ever exposed to the public eye, which are experienced in private families.

But on the other hand, if we resort to the non-intercourse system, instead of war, we shall stand some chance of obtaining the original claim, because, while we take a course which does not render it dishonorable to the French to pay, we make it their interest to do so. And certainly if the payment of five million of dollars is the original and actual ground of dispute, we are bound by every principle of interest and of duty too, to take precisely that course, if it be a justifiable one, which will be most likely to secure the payment. And in other respects, how numerous are the advantages attendant upon this course! We incur no expense ; we do not burden the people with excessive taxes ; we lose no men ; we do not suffer, in their countless ways of operation, the demoralizing influences of war. The merchants of course encounter some little inconvenience in altering

the direction of their business and introducing it into new channels; but this is so trifling as to be scarcely worth mentioning.

But if these statements are correct, how does it happen, that nations have ever been so averse to adopting a suspension of intercourse, and have been so ready to plunge into war? It is owing in a great degree, undoubtedly, to the prevalence of false and unchristian notions of *honor*. This is the secret of their strange conduct; and it is here we find the great difficulty, which is in the way of correcting that conduct. The system of non-intercourse is regarded as cowardly and pusillanimous, while that of war is looked upon as courageous and noble; a false notion, which enlightened policy and Christian feeling are beginning to correct. Mankind are beginning to open their eyes on this subject; they have long and deeply felt the immeasurable evils of war; and are at last convinced of the futility of warlike measures as a means of redress. And the time is coming, when the nation, that shall substitute non-importation and non-intercourse measures for a resort to arms, instead of being accounted mean and pusillanimous, will encircle itself with a wreath of true glory, that shall grow brighter and brighter till the end of days.

But this is not all; as Christians, as men, who profess to be governed by the principles of the Gospel, we have no other resource. Acting on the principles of our great charter, which Jesus Christ has died to confirm, we are solemnly bound not to return evil for evil, not to give place to wrath, not to avenge ourselves; in a word, not to engage in war of any kind. The suspension of intercourse is the *extreme* remedy, which is allowed us; and this is to be resorted to only in extreme cases. And it is an omen of good and glorious import, that distinguished politicians begin to occcupy the position, which the Gospel here allows us. It is enough for our present

purpose to mention Mr. Jefferson. The whole aspect of his Administration was pacific. It is but justice to this distinguished man to allow, notwithstanding the asperity with which his character has sometimes been treated, that he possessed an intellect of the most capacious grasp, and a heart endued with the kindly and benevolent sensibilities. He saw clearly the tremendous evils of tyranny, religious intolerance, church establishments, war, and slavery; and denounced them not with a humble whisper and affected meekness, but openly and boldly. He distrusted power, particularly *military* power; because history had taught him, that, in ninety nine cases out of an hundred, it had been perverted and abused to purposes of oppression. And this perhaps accounts for some measures in his Administration, which appeared singular enough to the advocates of the war policy. Abundance of ridicule was thrown on his gun-boat system, and his non-intercourse system, on his ultra-democracy, his experimental agriculture, and his philosophy; but it already begins to be whispered, that he both thought and acted with a foresight in advance of the age, in which he lived. Undoubtedly he did. And Christians, who deeply lamented some peculiarities in his religious views, will not be slow, nor wanting in cordiality, in their commendation of his foresight, his independence, his regard for equal rights, his abhorrence of injustice, his broad and glowing views of the capabilities and advancement of mankind. And this is the man, saying nothing of others standing high in the ranks of politicians, who has given his seal, the ample and bright stamp of his expansive mind to the doctrine of non-intercourse as a practical and effective principle in the regulation of the affairs of nations.

CHAPTER TWENTY SECOND.

CAPITAL PUNISHMENTS AS EXAMINED BY THE SCRIPTURES.

CLOSELY connected with the doctrine of peace is that of Capital punishments. The true basis of the doctrine of peace is not absolute non-resistance; the existence of civil government, in the exercise of its authority to control and to punish, is obviously recognized in the Scriptures; and there are some extreme cases, (very few indeed, but still some *extreme* cases,) where resistance and the use of force, so far as is necessary to disarm and confine the assailant, are justifiable and a duty; but the basis of the great doctrine of peace, the one immutable principle, on which it stands and stands forever, is the INVIOLABILITY OF HUMAN LIFE. Human life is sacred; it is the gift of God; it is that which nothing short of divine power can create; and no hand of man or angel, no principality or power of heaven or earth can lawfully touch it without the permission of that Being, who gave it existence. Hence the propriety and importance of saying something on the subject of Capital punishments. We oppose the practice of inflicting such punishments, FIRST, on the ground of scripture prohibition, SECONDLY, on the ground of reason and experience; and shall accordingly treat of the subject in that order.

It is our object in this Chapter to show, that the infliction of Capital punishments is unjustifiable and wrong, when viewed in the light of the Scriptures.——And here we would make the remark as worthy of some notice, that the advocates of war and of Capital punishments seem disposed to support their doctrines, so far as they conceive them to depend on the Word of God, by a reference to the Old Testament rather than to the New. But certainly we ought to keep in mind, that the successive dispensations, of which we have an account in the Old Testament, are all preparatory to the coming of the Savior; that the revelations of the Old Testament are obviously and confessedly imperfect; and that the code, which stands elevated and complete, without any admixture of perishable elements, and which emphatically binds all mankind at the present moment, is that of the New Testament.——The prominent passage of the Old Testament, which, in the opinion of the advocates of Capital punishments, authorizes the adoption of the retaliatory principle even to the taking of life, is as follows: "Whoso sheddeth man's blood, by man shall his blood be shed." Gen, 9: 6. In commenting on these expressions, we remark, in the FIRST place, that they are obviously not to be understood as a command, authorizing and requiring every one, by his own act and in his own person, to put to death any and every other individual, who has been guilty of murder. Such an interpretation, if carried out in practice, would soon fill the world with violence and confusion. Nor do we perceive, how they are to be understood as a command, authorizing and requiring even the civil magistrate to see this done; there is certainly nothing said in the passage itself, which throws the responsibility of carrying it into effect on the civil magistrate; and such an inference, although it might not necessarily be in opposition to the passage, is

nevertheless not strictly deducible from it. We propose, therefore, to consider the passage, not in the light of a command, but rather as an anticipation or prediction, (or what is perhaps the more precise expression in this case,) a DENUNCIATION of what may confidently be expected to take place. In other words, we regard it as merely expressive of a great retributive fact in nature and in the overruling Providence of God, that he, who designedly and wickedly takes human life, shall assuredly, in some way or other, meet with severe punishment, and will probably come to a violent end. It will probably not be questioned, that the phrases, shedding of blood, bearing the sword, smiting with the sword, and the like, are sometimes used metaphorically in that way, VIZ., to denote a severe punishment, and particularly a punishment accompanied with more or less of violence. And we may add further, that this interpretation of the passage under consideration will appear the less exceptionable, if we substitute WILL for SHALL, which undoubtedly the indefinite nature of the Hebrew future will authorize us to do; so that the passage may read, "whoso sheddeth man's blood, by man WILL his blood be shed," retaining the idea of futurity, but excluding the idea of requisition and command, which is implied in the English verb SHALL. Taking the passage in that general sense, which has now been attached to it, it may be regarded as essentially parallel with another in the fifty-fifth Psalm, where it is said, "bloody and deceitful men shall not live out half their days." This passage is not to be taken literally and just as it stands; nobody interprets it in that way; but it simply expresses the general fact, which, in the constitution of things and in the Providence of God, is always found to be realized, that bloody and deceitful men do not prosper, but always meet with disappointment and suffering even in the present life.

There is another passage in the twenty second chapter of Exodus, which throws light upon the expressions under consideration. "Ye shall not afflict any widow or fatherless child. If thou afflict them in any wise, and they cry at all unto me, I will surely hear their cry. And my wrath shall wax hot, *and I will kill you with the sword.*" We are not to suppose, for we know that it was not the fact, that every oppressor of the widow and the fatherless was actually put to death by the sword. The passage simply expresses the great fact in the moral administration and Providence of God, that the divine displeasure rests upon such persons, and that in the end their conduct will meet with a severe and righteous retribution. There are some passages in the New Testament, which seem to be precisely parallel to the one under consideration; one as follows, Matt. 26: 52; "All they, that take the sword, shall perish with the sword;" in other words, those, who resort to acts of cruelty and violence, will find themselves exposed to similar acts in return; a general and indefinite statement for what every one knows to be the fact in respect to such persons. Another passage is to be found in Revelation 13: 10, as follows, "He, that leadeth into captivity, shall go into captivity; he that killeth by the sword, must be killed by the sword." A similar interpretation is to be given here.*

This, then, we suppose to be the meaning of the passage in Genesis, that, he who sheds man's blood, shall not escape; he shall assuredly come to some evil end; he will sooner or later be overtaken by some dreadful punishment. And is not this the fact, confirmed by the whole history of mankind? The mark of Cain is stamped upon murderers, and they are lost and ruined men, even if the civil magistrate does not touch them.

*See remarks on this passage at page 121.

All nature frowns upon them; the very stones cry out; some perish by quarrels in the streets; some seek a refuge on the ocean and are drowned; some are put to death by their fellow-men from feelings of revenge, some are killed in war, some put themselves to death by violent means, some die of pure remorse and anguish of spirit; and in one way or other, as sure as there is a God in heaven, who requires the blood they have shed at their hands, they all sooner or later come to a miserable end. Even the executioner, who sheds blood in compliance with the law, is looked upon with abhorrence. His office is a hateful one, as it always has been, "detestabile carnificis ministerium;" men scorn to give him the right hand of fellowship; they flee from his presence as they would from a pestilence; and it is questionable whether even *he*, entrenched as he is within the forms of public justice, is exempt from the fearful doom, which a righteous Providence has pronounced upon all murderers.

And this view of the subject is confirmed by God's treatment of Cain. When that cruel and wicked murderer slew his brother Abel, did God require the civil magistrate or any body else to put him to death? So far from it, he declared, whoever should slay Cain, vengeance should be taken on him seven-fold. Nevertheless he was cursed from the face of the earth; like Adam when he sinned, if he did not die bodily, he died mentally; in the metaphorical sense at least, the sword was upon him, and his blood was shed; he was a fugitive and a vagabond, and he confessed, in the anguish of his spirit, that his punishment was greater than he could bear.

But, in the SECOND place, if we take the ground, as some are disposed to do, that this passage is to be interpreted to the very letter, and that it authorized and

required those, to whom it was addressed, to put every murderer to death, still it is not binding upon us at the present day. Indeed it is wholly overruled and annihilated in its practical application, in the Old Testament itself. It must be obvious, that it continued to have effect only till the promulgation of the Ten Commandments. If the supposed command to Noah authorizes us to kill, the command of the Decalogue, given at a later period and of course overruling whatever went before, says, THOU SHALT NOT KILL.——In the investigation of this subject, it is useless to go further back than this great announcement. In respect to the taking of life, the SIXTH commandment is to be regarded as the "beginning of days." What went before is subordinate, thrown into shadow, and annulled. We must accordingly take our stand here, and reason from this point.

It will be noticed, that the command is given in the most simple and explicit terms. It is possible, however, some may maintain, that it means simply, thou shalt *not maliciously* kill; thou shalt not kill with *evil intent*; thou shalt not *murder*. But we are compelled to look upon this as a wholly gratuitous limitation. We have already had occasion, in the eleventh chapter, to remark on the meaning of the Hebrew word, which is used in the sixth Commandment. There is nothing in the Hebrew term itself, and nothing in the immediate connection, which requires us to limit the command in this way. It is to be presumed, that no one, who heard the announcement of this solemn precept, would have dared to put a human being to death for any cause whatever, without an express divine permission subsequently given, which suspended its effect in particular cases. The Ten Commandments were not given to be trifled with. God himself descended with flames and thunder; never was there before, in the history of man, such a striking visi-

ble display of the divine attributes, and solely, so far as we can judge, for the purpose of imparting additional solemnity to the few and simple Laws, which were then made known. And what is an interesting fact, showing that the promulgation of the Ten Commandments is entirely a distinct thing from any previous or subsequent announcement, we have not only these striking circumstances preceding it; but it is said in Deuteronomy, at the close of this great event, AND HE ADDED NO MORE.——So that obviously the promulgation of the Ten Commandments is not to be confounded with any other communication whatever.

We do not deny, however, that the practical operation of the precept, THOU SHALT NOT KILL, was subsequently suspended. It was so. The Supreme Being, in his capacity of civil ruler of the Jews, saw fit to incorporate the principle of "life for life" into the Jewish civil code. But it does not appear, that He permitted this, because there was any thing in natural justice which absolutely required it; for we find that in the case of Cain, who was guilty of the heinous crime of murdering his own brother, God forbade that any one should take his life. And Lamech, who was afterwards guilty of murder, pleads the precedent of Cain's exemption from the punishment of death, as peculiarly applicable in his own case. He permitted it, therefore, for reasons connected with the peculiar condition and character of mankind; or in other words, as was said in another case, which obviously throws light upon that before us, *on account of the hardness of men's hearts*, Matthew, 9 : 6. He saw that they were so little advanced in the knowledge and practical application of the principles of government, and at the same time by reason of the hardness of their hearts were so wholly given up to suspicion, violence, and discord, as to render the permission of the

belligerent principle of an eye for an eye, tooth for tooth, life for life, in some degree necessary under the circumstances actually existing. It was on account of their sin that he permitted them to put each other to death, in the same way as it was on account of their sin that he permitted them to practice polygamy, and to give the writing of divorcement. Or another scriptural illustration of the course of the divine proceeding in this matter may perhaps be equally to the purpose, to be found in the hundred and sixth Psalm. "They soon forgat his works; they waited not for his counsel; but lusted exceedingly in the wilderness, and tempted God in the desert. *And he gave them their request, but sent leanness into their soul.*"

We proceed now, in the THIRD place, to remark, that the sixth Commandment is recognized and reenacted in the New Testament, unaccompanied by any exception or suspension whatever; a view of the subject, which is particularly important in its bearings upon us in the present age of the world. The following passages will abundantly verify the correctness of the ground, which is now proposed to be taken.——"And behold, one came and said unto him, Good Master, what good thing shall I do, that I may have eternal life? And he said unto him, Why callest thou me good? there is none good but one, that is, God; but if thou wilt enter into life, keep the commandments. He saith unto him, Which? Jesus said, Thou shalt do no murder, Thou shalt not commit adultery, Thou shalt not steal, Thou shalt not bear false witness." Matthew, 19: 16, 17, 18. It is perfectly clear from this passage, that the Savior gives his sanction to the portion of the Old Testament which is so expressly referred to, and that he adopts it as a part of his own exalted system of doctrine and practice. And this is in accordance with what he says in another place, Matthew

5: 16, 17. "Think not that I am come to destroy the Law, or the Prophets; I am not come to destroy, but to fulfil. For verily I say unto you, till heaven and earth pass, one jot or one tittle shall in no wise pass from the Law, till all be fulfilled."—This strong declaration refers obviously, not to the Ceremonial law, nor to any mere civil and political regulations; but to those portions of the Old Testament, which are of a purely moral and religious import. But we have another passage in the same chapter which is more to our present purpose. Matthew 5: 21, 22, 23, "Ye have heard that it was said by them of old time, Thou shalt not kill: and whosoever shall kill shall be in danger of the judgment. But I say unto you, That whosoever is angry with his brother without a cause shall be in danger of the judgment: and whosoever shall say to his brother, Raca, shall be in danger of the council: but whosoever shall say, Thou fool, shall be in danger of hell-fire. Therefore, if thou bring thy gift to the altar, and there rememberest that thy brother hath aught against thee, leave there thy gift before the altar, and go thy way: first be reconciled to thy brother, and then come and offer thy gift."

There is then a "*Thou shalt not kill*," in the Old Testament, accompanied, on account of the hardness of men's hearts, with a temporary suspension of its enforcement, and a permission in certain specified cases to take away life. There is also a "*Thou shalt not kill*," in the New Testament; but in vain do we look for any suspension or modification of it in the later and more perfect revelation. The suspending clauses, which, under the preparatory Dispensations, interfered with the full and perfect application of the principle of the inviolability of human life, are no where to be found on the bright pages of the New and Evangelical Code. This great principle

stands on the statute-book of the Gospel, sanctioned by the authority of Christ himself, confirmed by the Apostles, and instead of being diminished in aught, is carried so far in the application as to condemn all causeless anger. Throughout the New Testament, as we have seen more fully in a former Chapter, we are required, not to smite and to slay, but to love our enemies, to do good for evil, and to bless and pray for those, who persecute and hate us.

But will it be said, that these passages, scattered every where over the New Testament, are binding upon individuals only, and not upon communities? It is impossible, that such a suggestion should have much weight. It is admitted, that as individuals, if we have a transgressor under our feet, (no matter how great his transgression,) we are bound on Gospel principles to let him live, to raise him up, to use every effort to restore him to hope and virtue, and thus to save him. And will either sound reason or common humanity permit us to assert, that the body politic is less bound to do this? Is there one code of morals for individuals, and another for nations, who are made up of individuals? Is it possible, that the mere fact of my being politically associated with a thousand or a hundred thousand others renders right less imperative, or wrong less odious? And if not, on what ground is it said, that I am bound in my individual capacity to love those that hate me, while in my social and political capacity I am permitted to hate and to do evil, where otherwise I should be required to love and to do good? We assert, therefore, that the Gospel, in its prohibition of taking life, is as much binding upon communities, as upon individuals.

Where then shall we look for a defence of our conduct, we, who profess to be Christians, but whose hands are imbrued with blood; who at one time wield a sword

and at another erect a gallows, and who make the butchery of mankind a legalized and permanent business! We may find it perhaps in the authors of profane antiquity, in some code of heathenism, in the obscure songs and legends of some barbarous and unchristianized period, in the Alcoran and the Ædda; but we may venture to say with entire confidence, that we do not find it in the Bible.

CHAPTER TWENTY THIRD.

CAPITAL PUNISHMENTS AS EXAMINED BY REASON AND EXPERIENCE.

In accordance with the plan of discussion indicated at the beginning of the last Chapter, we proceed now to remark on the subject of capital punishments, as viewed in the light of reason and experience. And in order to render the discussion as simple as possible, we will take it for granted, that society has the right of punishing capitally, *provided it does any good*. Accordingly our present object is to show, that the results of Capital punishments are not such as to justify their infliction. In doing this, it is proper to state the ends or objects of punishment. The four great objects or ends of punishment are generally supposed to be the following,—(1) reparation for injury done,—(2) the reformation and good of the offender himself,—(3) the direct protection of society against future attacks by the same individual,—(4) the

benefit of the example on other evil disposed persons. ——Let us accordingly examine capital punishments, in connection with these great objects or ends.

In the FIRST place, we cannot reasonably suppose, that the punishment of death is inflicted on the ground of REPARATION, in any strict and proper sense of this term. In cases of loss of property and mere injury of person, such as theft, housebreaking, assault, highway robbery, maiming, arson, and the like, it certainly would not be easy to perceive, how reparation connects itself with a punishment involving death. Furthermore, the infliction of the punishment of death, even in cases of murder, is of itself no reparation. It does not restore the person previously killed to life; nor does it do him any good, or affect him in any way whatever. On the contrary, it takes away the opportunity and means of that *indirect* reparation which might otherwise have been made, either to the murdered person's family, or to the State of which he is a member.——We do not deny, that the taking the life of the criminal may, in some instances, minister to the revengeful feelings of those, who survive; but this is not, in propriety of speech, a reparation; it is certainly not that species of reparation, which writers on this subject commonly have in view, when they use the term. And besides, this would be an object, which enlightened reason, as well as the Gospel, condemns; which is never openly avowed as the object of public punishment; and which the judicious and enlightened legislator certainly would not approve. We feel no hesitancy, therefore, in saying, that capital punishments cannot stand on this basis.

II,—The SECOND object mentioned is the reformation and good of the offender. This is a great object undoubtedly; one, which the best interests of society require us to pursue, and which has the advantage of be-

ing approved by enlightened reason, at the same time that it is accordant with the benevolent spirit of the New Testament. There is reason to believe, however, that the importance of this great object is not estimated so highly as it ought to be. It must be admitted, that men have but little of the spirit, involved in the declaration of the Savior, "I came not to call the righteous, but SINNERS to repentance." They are more selfish and less benevolent than they should be; but this does not alter their duty, nor the nature and reason of things. The government of a country, if we have any correct view of its true nature, stands in reference to the citizens, IN LOCO PARENTIS. The government is the father; the citizens are the children. Nature and reason alike establish this analogy; and from the analogy, which exists between parental and civil government, it would not be difficult to deduce principles of civil authority and discipline, accordant with those, which the Gospel itself furnishes. If a child commits an offence, even one of the most aggravated nature, does the father put him to death —does he smite him to the dust with an axe—or does he rather seek by every means in his power to reform him? There can be but one answer to such a question. Civil government, therefore, if there is truly an analogy between civil and parental government, should pursue the same course. It should seek to recover and reform, and not to cast off and destroy. But on the plan of capital punishments, this great object is necessarily defeated. When a man is dead, there is certainly no power in his fellow men to reform him, or to benefit him in any way. On the contrary by putting him to death, they have not only cut him off from society, but have perhaps done all in their power to prevent his making a suitable preparation to appear in the presence of his Creator. Capital punishments, therefore, find no support here also.

III,—That the THIRD object mentioned, viz. the protection of society in future against the same individual, can be secured by means of capital punishment, is readily admitted. It is certainly easy to see, that, when a man is dead, he can no longer do hurt in his own person. But this object can be secured, to the entire satisfaction of the community, by shutting the offender up in prison. The public do not demand, that criminals should be put to death, because there is no possibility of otherwise preventing future attacks; they feel that the legislature can give them ample security in that matter in other ways. Capital punishments, therefore, find no support here, so long as we have the materials for erecting around the criminal a circumvallation of iron and granite sufficient to confine him. We are able to do this; and in doing this, are able to secure at once all the great objects, for which punishments are instituted. By keeping the criminal in prison and at labor, although, if murder be his crime, he can make no reparation to the murdered person, he can certainly make some reparation to the State and to his family for the loss they have sustained at his hands. We may also consult the good of the offender, if we punish him by confinement in prison, not only by the remedial effect of the imprisonment itself, but also by giving him religious instruction, and affording him an opportunity for reflection and repentance. The punishment, furthermore, is considered by the community a great one, and the example of it is admitted to be impressive and in a high degree efficacious. And besides, if the prisoner is wrongly condemned, as is sometimes the case, there is an opportunity of subsequently rectifying the unjust judgment, which cannot be done, if he be put to death. And what is no small consideration, we may inflict this punishment in such a way as to be fully in accordance with the spirit of the Gospel. The

taking of human life, the sundering of soul and body, deliberately and on set purpose, so far from being accordant with the benevolence of the Gospel, is abhorrent to the feelings of humanity. There is something within us, which tells us it ought not to be done, unless we can find a specific and clear warrant for it from Him who is the author of life. But whatever may be true of the temporary regulations of the Old Testament, we are unable to discover any such warrant in that purer, more permanent, and more perfect system, which is contained in the New Testament. On the contrary, as we had occasion to see in the preceding chapter, the whole spirit of the New Testament seems to be adverse to taking life.—We maintain, therefore, that the protection of society can be secured as well, and that the other great objects of punishment can be secured better by imprisonment, than by death. This is our view of the subject, and we believe that reflecting men will generally fall in with it, excepting in one particular, to which we propose to give a little further attention.

IV.—The great argument in favor of Capital punishment undoubtedly is, that it is exceedingly efficacious, as an EXAMPLE; and that, operating as an example, it tends, more than any other form of punishment, to prevent the commission of great crimes; and that therefore this mode of punishment ought to be maintained. And it may be safely asserted, that if this argument could be satisfactorily met and confuted, many, who now advocate this mode of punishment, would be very willing to see it done away.

We propose to meet this argument by denying the fact involved in it; for if the fact cannot be sustained, the conclusion falls with it. In the first place, it is universally conceded, that no punishment operates well as an example, where the people are not fully satisfied of

the propriety and justice of the punishment in itself, and of the right to inflict it. In respect to the right to inflict this punishment in any case whatever, it is well known, that there is a great difference of opinion. One very respectable and numerous sect of Christians, some smaller sects, and many other persons of other Christian denominations, men of good judgment and reputable character, deny the right absolutely and altogether. A still greater number are *in doubt*, even among the less informed classes of the community; not perhaps because they are all able to analyze and argue the subject, but because they find in their bosoms a sort of instinctive feeling, which at once condemns the taking of human life, as an usurpation of the prerogatives of that Being, who alone can give life. And probably it may be said with entire confidence, that the infliction of the punishment is witnessed with abhorrence by a majority of the whole community, whenever the crime, for which it is inflicted, is not established with *absolute certainty*, which is seldom the case. Now if it be the fact, as is universally conceded, that the people must be fully satisfied of the right to inflict a particular mode of punishment, before that punishment can have a beneficial effect upon them as an example, it follows, that Capital punishment is not efficacious in that respect.

In the second place it ought to be kept in mind, that the dread of death, which operates so powerfully in men, is *instinctive*, rather than *rational*; it is a natural tendency or feeling of the mind, implanted within us for wise purposes, but which can obviously be subdued by calculation and reflection. In times of religious persecution, hundreds have gone to the stake, the block, and the gallows with entire calmness; they had made the matter of death a subject of rational examination; they were thus enabled to subdue, in a great degree, the instinctive

fear; and when they weighed it in the balance against their religious hopes and their sense of duty, they found it almost nothing. But what is important for us to know is, that the most hardened villains, as well as the most virtuous persons, may avail themselves of this mental process. They satisfy themselves, that a violent death by the gallows or beheading, which are the common methods, is essentially without suffering; and that far the greater part of the suffering, which is realized, is experienced from that instinctive dread of death which has already been mentioned; and which accordingly they aim all their efforts to subdue. And this process of *hardening*, as it is sometimes called, is accelerated and confirmed by the spectacle of public executions. They have seen again and again, that, in a mere moment of time, the consciousness of the criminal, who is executed, is extinct, and that the suffering actually endured is not worth naming.—So that, in this way also, the example of Capital punishments, instead of having a good, undoubtedly has a bad effect.

In the third place, the example of Capital punishments is injurious, rather than beneficial, because it tends to give a sort of legislative and public sanction to the violability of human life.—The mere fact, that men are publicly put to death by magistrates of high standing suggests the idea of putting to death in others, and practically encourages it. On such occasions some persons will always be disposed to infer, that human life is of but little value; something that is made to wear out or to be destroyed very soon; and that, if the community may in its corporate capacity put to death for some causes, they in their *individual* capacity may, with equal moral right, put persons to death for some other causes, which are satisfactory to themselves. A recent writer on penal legislation, James Simpson Esq. of Ed-

inburg, gives the interesting and decisive fact, that a certain clergyman, whom he names, had visited and conversed with 167 convicts under sentence of death, and found, that 164 of them had witnessed executions.* So that public executions may be regarded as a sort of school for hardening the heart, and for the suggestion of evil thoughts and purposes.

And all that has been said seems to be confirmed, in the fourth place, by the conduct of the multitude on such occasions. As a general thing, persons of refined feeling and just sentiments are not disposed to be present; it is a sight, however criminal the victim may be, which they find to be strongly repugnant to something within them. And of those who are present, what do we find to be the conduct under circumstances, which we should naturally suppose would impress and affect the rudest minds? It is undeniable and perfectly notorious, that the great body of them exhibit, except at the very moment of the execution, the most surprising thoughtlessness and levity. The occasion is generally made one of great riot, noise, confusion, drunkenness, and every species of crime.——This is universally admitted to be the case. So much so that some of the United States have recently enacted, that executions shall not be public. A great anomaly this in a republican government! Our courts of justice must be open to the public; the deliberations of our legislatures must be public; not even a poor freemasonry society is to be tolerated, because its ceremonies are secret; but when life is to be taken, when a human being is to be smitten down like an ox, when a soul is to be violently hurled into eternity, the most solemn occasion that can be witnessed on earth, then the public must be excluded. But the American

*As quoted in Prof. Holland's Article on the Punishment of Death in the Advocate of Peace.

public will not long submit to this. If business of this nature is done at all, it must be done in the light of day; if the continuance of capital punishments depends upon their being inflicted in private, it may be regarded as certain, that they cannot long exist in this country.

And all this agrees with what we learn from the history of the criminal jurisprudence of various countries. In England, for instance, in the time of Blackstone, no less than an hundred and sixty different species of crime were by the laws capital, and liable to be punished with death. It is stated on respectable authority, that 72,000 persons died by the hands of the executioner during the reign of Henry VIII, being at the rate of 2000 every year. But it does not appear, that this immense loss of life was attended with any beneficial effect; crimes continued to be committed; and the ends of punishment, whatever may have been the reason of it, were obviously not as well secured, as they would have been on some other system. If the people generally, as they probably did, considered the whole system as unjust, violent, and cruel, we may perhaps find the reason of the little good resulting from it in the following remarks of Beccaria, to be found in the 26th Chapter of his work on Crimes and Punishments. "If punishments be very severe, men are naturally led to the perpetration of other crimes, to avoid the punishment due to the first. The countries and times most notorious for severity of punishments, were always those, in which the most bloody and inhuman actions, and the most atrocious crimes were committed; for the hand of the legislator and the assassin were directed by the same spirit of ferocity; which, on the throne, dictated laws of iron to slaves and savages, and, in private, instigated the subject to sacrifice one tyrant, to make room for another.

"In proportion as punishments become more cruel,

the minds of men, as a fluid rises to the same height as that which surrounds it, grow hardened and insensible; and the force of the passions still continuing, in the space of an hundred years, the *wheel* terrifies no more than formerly the *prison*. That a punishment may produce the effect required, it is sufficient that the *evil* it occasions should exceed the *good* expected from the crime; including in the calculation the certainty of the punishment, and the privation of the expected advantage. All severity beyond this is superfluous, and therefore tyrannical."

We have but a word more to say on this part of the subject. It is objected, that the abolishing of capital punishments is a hazardous experiment; that society has always existed in connection with its infliction, and that it cannot exist without it.——That all great experiments are more or less hazardous, it is not necessary to deny; but this of itself has never been considered a sufficient reason for not making them. Besides, the experiment of excluding capital punishments from the criminal code has already been partially made; and so far as it has been done, the result has been favorable. We will refer as briefly as possible to some instances.

I,—One of the sovereigns of ancient Egypt of the name of Sabacos, who is justly numbered among the legislators of that inventive and intelligent people, abolished capital punishments. He reigned fifty years, and ordained that such criminals as were judged worthy of death, should be employed in the public works. He thought that Egypt would derive some advantage and profit from this kind of punishment, while at the same time, being imposed for life, it seemed sufficiently well adapted to the purpose of discouraging and repressing crimes.* And it does not appear from any remarks on the subject, that the result disappointed his expectations.

* Goguet's Origin of Laws, Part III, Book I.

II,——Capital punishments, so far as Roman citizens were concerned, were abolished in the Commonwealth of Rome in the year of the City 453, by the Porcian law, introduced by the tribune Marcus Porcius. This law ordained, that Roman citizens, convicted of crime, should go into exile, instead of being punished with death· "It was never observed, (says Montesquieu,) that this step did any manner of prejudice to the civil administration." This law is asserted to have continued in force for 200 years.*

III,——During the reign of the empress Elizabeth of Russia, capital punishments were abolished in that country. Immediately after her accession to the government, she made a vow, which she is said to have faithfully kept, that she would never put her signature to a sentence of death. † One of her successors, the empress Catherine II introduced a new Code of Laws, drawn up with care under her own Instructions, from which capital punishments were excluded. "Was the vast territory of all the Russias, (says Blackstone,) worse regulated under the late empress Elizabeth, than under her more sanguinary predecessors? Is it now, under Catherine II, less civilized, less social, less secure? And yet we are assured, that neither of these illustrious princesses, have, throughout their whole administration, inflicted the penalty of death; and the latter has, upon full persuasion of its being useless, nay, even pernicious, given orders for abolishing it entirely throughout her extensive dominions."‡

IV,——In November 1786, capital punishments were abolished in Tuscany by a public Act, entitled, an Edict for the Reform of Criminal Law which was promulgated

* Livy, Bk. X, § 9. Cicero pro Rabirio, Montesquieu's Spirit of Laws, Bk. VI, ch. 10, Herald of Peace, Vol. IX, p. 49.

† Tooke's History of Russia, Vol. II, p. 331.

‡ Commentaries on the Laws of England, Bk. IV, ch. 1.

and carried into effect by the Grand Duke Leopold. In the commencement of his reign Leopold began with moderating the rigor of the laws, by doing away punishments inordinately severe, by abolishing the different kinds of torture, and through injunctions and orders to his tribunals by practically abolishing the penalty of death. This was done by way of experiment, and as a suitable preparative to the introduction of that Edict for the Reform of Criminal Law just referred to. Referring in the Preamble of his Edict to the measures, which he had previously taken, he expresses himself as follows: "With the utmost satisfaction to our paternal feelings, we have at length perceived, that the mitigation of punisments, joined with a most scrupulous attention to prevent crimes, and also a great despatch in the trials, together with a certainty and suddenness of punishments to real delinquents, has, instead of increasing the number of crimes, considerably diminished that of the smaller ones, and rendered those of an atrocious nature very rare; we have, therefore, come to a determination, not to defer any longer the reform of the said criminal laws." The new system, which formally and entirely abolished the punishment of death, went immediately into operation, and was attended with the happiest results. For thirty years, including the period of experiment preparatory to the full introduction of his code, there were no capital punishments inflicted in Tuscany; and during that period we are assured by Count de Sellon, that crime almost entirely disappeared, while it increased in the surrounding countries, in which the punishment of death was frequently inflicted.*

V,——Some States, particularly in America, have greatly reduced the number of crimes, liable to be atten-

*See the Edict of the Grand Duke of Tuscany for the Reform of Criminal Law in his Dominions, and the Herald of Peace, Vol. IX, p, 90.

ded with capital punishments; and in no instance, so far as we have been able to learn, with injurious results. So long ago as 1786 the punishment of death was abolished in almost all cases by the Legislature of Pennsylvania. The experiment was found so successful and gave so much satisfaction, that more recently it has been decreed in the Pennsylvania Code, that the punishment of death shall be inflicted in one case only, viz. for murder in the first degree.*

VI,——The State of Louisiana in the year 1822, acting on Mr. Livingston's Preliminary Report on the plan of a Penal Code, adopted the principle of excluding Capital punishments altogether. A system of Penal Law, in accordance with that fundamental principle, was subsequently prepared by Mr. Livingston, and has since gone into successful operation. We have seen no reason to doubt, that this experiment, which promises to be one of the most decisive kind, has thus far fully answered the expectations of its authors.

VII,——The criminal code of the State of Ohio is characterized by humanity. The Constitution itself, which was formed no further back than 1802, expressly proclaims, that the true design of all punishments is to reform, and not to exterminate mankind. In the criminal enactments of 1805, only five crimes were declared to be capital, viz. treason, murder, rape, arson, and mayhem. This was a good beginning, but in the revision of the Penal Code, which was made in 1824, the legislature, becoming more and more doubtful of the right or of the expediency of Capital punishments, decreed its infliction in one case only, that of murder in the first degree. A writer upon this humane code remarks, that "the best test of any system is to be found in its practical operation;

* Beaumont and Tocqueville's Penitentiary System of the United States, Chap. 1.

and judging by this criterion, the code of Ohio is even better than our theoretical views would make it appear. We have no hesitation in asserting, that crimes are as rare there, as they are any where in christendom. This is the best eulogy upon the laws made to prevent them."*

This process of diminishing the number of capital crimes is going on in all the United States ; the proposition to abolish capital punishments altogether has been made in a number of their Legislatures within a year. In the legislature of the State of Maine it was enacted in the year 1829, that four offences, which were then punishable with death, should thereafter be punished by confinement in the State Prison for life. When the subject was under discussion, many persons expressed their apprehensions, that the proposed change would be found injurious to the public safety and welfare. But their fears were unfounded; experience has conclusively shown, that the welfare of the community has not been, in the least degree, put at hazard by that measure, but rather promoted by it. And so decided is the conviction of this favorable result, that the Legislature have at this very time the proposition before them, to abolish capital punishments in all cases whatever. And we may add with entire confidence, that public sentiment throughout the United States of America, owing not more to serious and candid reflection on the subject than to practical experiment and experience, is strongly setting towards this result.——In view of these facts we appeal to any candid man to say, whether the objection, that men will be emboldened to commit crime, and that the existence of society will be endangered by abolishing capital punishments, is well founded! We certainly think it is not: and we have the more confidence in this opinion,

*Am. Quart. Rev. Vol. X, p, 47.

when we consult the history of crimes in those countries, where capital punishments have been frequent. In England, for instance, and in other countries, where they have been greatly multiplied, no results have followed, so favorable as to justify the continuance of this sanguinary system; but the reverse. On the other hand, the preventive and remedial system, which seeks to secure society by the safeguards of equal laws and general education, by rewards for the good, and by efforts to reclaim, rather than to destroy the vicious, has been found to furnish, so far as it has been truly tried, undoubted strength and protection.

In examining this subject by the light of reason and experience, we have endeavored, as we proposed to do, to show, that the infliction of capital punishments is not justifiable, because it secures no good results, which might not as well or better be secured in some other way. In this argument, it will be observed, we have taken for granted, that society has the right of inflicting capital punishment, provided, all things considered, it will do any good. In other words, we have argued the subject on the ground of *expediency*. But it should never be forgotten, that expediency does not necessarily constitute RIGHT. If it could be shown, (which we believe never has been done,) that society is benefitted by capital punishments, it would still remain an open and important question, has society a right to inflict them. As for ourselves we are obliged to say, (putting the Scriptures out of the question which wholly and absolutely deny the right,) we have never been able as yet satisfactorily to ascertain, in what way society obtains it. Civil society, if we take the view which is commonly taken by writers on this subject, is to be regarded as the result of contract; every individual pledges himself to all the others; and the community pledges itself to each individual.

Each individual surrenders a portion of his private and personal rights in the expectation of receiving protection from the community; and the aggregate of the rights and powers of the community is based upon the surrender, which has been made of the private and personal rights and powers of individuals. The Society or State has no power, which cannot be traced back to this origin. And in accordance with these obvious views, we maintain that the State, in inflicting capital punishments, exercises a power, which was never granted it. And for this simple reason, that individuals, who are the source of all the authority lodged in the State, have no power to grant it. No man can grant to another what he does not possess himself; and as no man has the right to take away his own life, (a principle, upon which writers on moral Philosophy, and mankind generally are more universally agreed than upon almost any other,) it follows, that no man has the right to authorize another to take away his life. So that the infliction of capital punishments, examining the subject in this direction, is undoubtedly to be regarded as usurpation and tyranny.

But it will be replied to this view, although man has no right over his own life, yet in a direct conflict between his own life and that of another, where it is evident one of the two must fall, he has the right by the *law of nature* to put his adversary to death. This we grant; but the difficulty is, that we cannot reason from this fact in support of the infliction of Capital punishment by Civil Society, because there is no analogy between the two cases. If the man, who has his adversary entirely in his power, who has him bound with chains or enclosed with impassible walls, possesses the right, by the law of nature, to take him out in cold blood and cut off his head, or take his life in any other way, then we grant that he might transfer this right to civil society; and civil socie-

ty, supposing it to be governed by the law of nature to the exclusion of the principles of the Gospel, would in that case lawfully possess it.

But that man possesses this right, even by the *law of nature*, we deny totally and absolutely. Supposing we have taken a thousand men in war; they are wholly and completely in our power; there is no danger from them; yet on the ground of their being disturbers of the peace and our enemies, we lead them out into an open field, and put them all to death in cold blood. Is it *right?* Most certainly not. Such a proceedure would be abhorrent to every sentiment of justice and humanity. And if it is wrong to put a thousand to death in this manner, it is wrong to put one to death.

In answer to all this, the objector says, this may be true and reasonable as far as it goes; but if the criminal flees from us and attempts to evade or perhaps to resist the officer sent to arrest and to bring him to trial, what is to be done then? I answer, we must get him as we can; but we must not touch the principle of life. We may pursue him; we may press him to surrender by cutting him off from necessary food; we may use all our diligence and skill to secure him; but we assert without hesitation, that his life is, and ought to be sacred, until the law in its majesty and impartiality has pronounced him guilty. We believe, that this view is fully accordant with the common feelings and sentiments of mankind. How often do we hear even of Savage nations permitting their captives to run for their life, and acting on the principle, that he who by superior agility can escape from his pursuers, is fairly entitled, so far as society is concerned, to immunity from punishment! Under the Jewish economy, there were cities of refuge appointed, to which those, who had occasioned the death of others, were permitted to flee. It is a principle of the Law of

Nations, that, if a man commits a crime in one nation, and flees to another, he cannot of right be pursued into that other, nor can he be punished there. A man may be degraded; he may be criminal; he may be cast out from the bosom of society; but still he is a *man*; and if, by his crimes and his attempt to escape, he has lost his civil rights, there are still some rights of nature, which cling to him in virtue of his humanity. And one is the right of escaping from those, who he has reason to believe will destroy him, if he do not escape. We are bound to recognize this right in the pursuit of a supposed criminal; and particularly so, as in every well ordered government every man is regarded as innocent, until he is taken, and brought before a competent tribunal, and proved to be guilty. Before we can inflict upon him the retribution, which his crime demands, we are bound to understand the nature of the crime, not only the proof of the alledged facts, but all mitigating and aggravating circumstances. Perhaps he committed the crime under dreadful and unheard of provocation; perhaps he was artfully led into it by another ten times more guilty than himself; perhaps he has done it under the influence of a momentary passion and is already the subject of a sincere and deep repentance; and under such circumstances, as well as under all other circumstances, he has the right to escape; he is indeed a fugitive and a vagabond, but like Cain he is a fugitive and a vagabond *in the earth*; he is under no obligation to surrender himself, if he can make his escape without injury to others. On the contrary, it is his *duty* to escape, if he anticipates that Society would not do him perfect justice, such as God and his own conscience would approve.

The question then returns, where society gets its right of putting men to death? And the answer is, *No where*. This pernicious system is to be regarded as one

of the thousand usurpations, that have been introduced by mistake or by cruelty, and which are rendered venerable and sacred by lapse of time. Like the use of the rack, the trial by ordeal, the enslavement or destruction of prisoners taken in war, the poisoning of wells and fountains, and other pernicious and unlawful practices, which were once authorized and perhaps considered essential to the existence of society, the time is coming, when it will be condemned by the good judgment and the humane feelings of mankind, and wholly renounced as both inexpedient and wrong.

CHAPTER TWENTY THIRD.

PRACTICAL EVILS OF CAPITAL PUNISHMENTS.

Some of the evils attending the infliction of capital punishments have already been referred to. There are other incidental evils, which could not without some confusion be introduced into the main argument; but which are undoubtedly entitled to some consideration, in forming a proper and just estimate of this subject. These will now be noticed as briefly as possible.

I,——One of the difficulties attending the infliction of Capital punishments is this. Witnesses are unwilling to testify, and juries are unwilling to convict, where the penalty is known to be death. This difficulty is not limited to those persons, numerous as they are, who have

made up their minds, that the punishment of death is unlawful. There are many others, who have not formed a decided opinion on this subject, but are merely perplexed and doubtful. It is obvious, however, that in this situation they are almost as unwilling as those, who are entirely satisfied of the unlawfulness of capital punishments, to become the instruments, either directly or indirectly, of bringing this penalty upon the accused, especially when the evidence in the case, as it commonly is, is circumstantial. This difficulty is increasing; it is based in human nature, and therefore has in itself the elements of increase; and it is confidently anticipated, that ere long the system of capital punishments must cease in North America, if for no other reason, because it cannot be carried into effect.

II,——Another difficulty, attending the system under consideration, is that Capital punishment is always and necessarily a punishment in the *highest degree*; it is wanting in flexibility; it cannot adapt itself with sufficient precision to the precise nature of the crime; it is not susceptible of diminution and expansion; but is always one and the same. It is unquestionable, that this is a great practical evil, from which other forms of punishment are in general wholly free.——If, for instance, we punish a man by taking his property, the amount taken may be greater or less; it may be five dollars, or ten dollars, or a hundred dollars, adapting itself with a very high degree of precision to the actual amount or intensity of the crime.——And again, if we punish the criminal by confining him in prison for a term of time, that term of time may be longer or shorter; it may be a week, or a month, or a year; it may vary with the countless variations in the shades of guilt. But Capital punishment from its very nature admits of no contraction or expansion, of no addition or diminution. The

criminal either lives or dies ; suffers the whole, or suffers nothing.

III,——Another great evil attending the system of Capital punishments, and one closely connected with the evil which has just been pointed out, is, that, where the punishment is once inflicted, there is no possible alleviation of it, no recall, no remedy. As the administrators of justice are fallible, a preference ought to be given to that form of punishment, which, in case of error in its infliction, is susceptible of modification. If, for instance, a man is imprisoned on the alledged commission of a crime, and is afterwards discovered to be innocent, it is one advantage of the punishment of imprisonment, that he can be restored to society, and some reparation can be made. His property, if it has been taken from him, can be recovered ; there can be a full repayment of all his pecuniary losses. And not only this, a thousand sympathies can pour their ample consolations into his wounded heart. But not so, when the punishment of death is inflicted ; there is no possibility of recall or of alleviation ; what is then done is done forever.

IV,——There is another, a fourth evil, less tangible, less visible, less the subject of common measurement and common reflection, but which nevertheless is a real evil, and a great one. It is, that the infliction of capital punishments tends to lower the estimate of human life. By the laws of the Romans the public executioner, (for capital punishments were inflicted upon slaves, when they were not permitted to be inflicted on the citizens,) was forbidden to appear in the Forum or to have a house in the city, not only because men feel a natural abhorrence in beholding such a character, but also that the minds of the people might not be familiarized to the idea of violating and extinguishing human life.* How differ-

* Principles of Penal Law p. 327, Cicero pro Rabirio.

ent the state of things in some other countries! The time has been in England, as we have already had occasion to notice, when no less than 160 distinct crimes were capital; in the reign of Henry the Eighth, two thousand persons are said to have been annually executed; probably a much greater number were annually put to death under the forms of law in Paris and the other cities and towns of France during the French Revolution. Can there be any doubt, what the effect of such a state of things must be? The mass of the community must inevitably draw the conclusion, that human life is but of little consequence; that the distinction between man and the brute animals is chiefly speculative and ideal; that man is but a dog; and that to smite him down with an axe or the guillotine is only turning a few ounces of blood out of its natural channel. How conducive the prevalence of such an idea will be found to public morals and to domestic happiness, we leave to each one to judge.

V,——Another evil is, that the system of capital punishments furnishes a strong and undue temptation to the exercise of the pardoning power. In every well ordered government the right of pardoning will be lodged somewhere; it is indispensable. But the frequent exercise of this right is generally considered by writers on politics and jurisprudence as decidedly injurious. It tends to perplex public sentiment, to confound the distinctions of right and wrong, and to disturb the regular course of justice. The system of capital punishments stands accountable for a large share of these unpropitious results. The magistrate, with whom the important power of pardoning is lodged, often feels, that the infliction of such an extreme penalty would be inappropriate and unjust, even if the criminal were guilty of the charge alledged against him. It is frequently the case too, that the crim-

inal has the feelings of the community enlisted in his behalf; not because they suppose him to be guiltless, but because they do not perceive a due proportion between the guilt and the punishment; a state of things, which very much diminishes the good effects, which might otherwise follow.——Under these circumstances, the criminal, notwithstanding the unquestionable atrocities of his life, is often let loose upon society without any punishment at all. It is perhaps best in the existing state of things, that he should be; but it would undoubtedly be better, if the punishment were of such a nature as to render the pardon unnecessary.

VI,——Another evil attending capital punishment is, that it is especially liable to be abused and perverted by unprincipled men to purposes of revenge and tyranny. Let a man, or a body of men, usurp the government of their country, (such men as Sylla, Marius, Henry the Eighth, Robespierre, Francia, and others that might be named,) and they will be likely to find means of applying the criminal code to the persons of their enemies. And if the system of capital punishments exists as a part of that code, the greatest and best of men will be likely to fall under it. Is it necessary to say, that the whole history of the world is a confirmation of this statement? How many men, in refined and civilized, as well as in barbarous countries, have fallen in consequence of the rejection of the doctrine of the inviolability of human life! How many individuals in all ages of the world, whose only crime was their patriotism, learning, and virtue, have been hurried out of life, because they happened to stand in the way of some usurping tyrant, or of some dominant religious or political faction! Socrates, Cicero, the Gracchi, Seneca, More, Sydney, Coligni, Vane, Russel, Barnevelt, Louis the Sixteenth, Lavoisier, Baillie, Malesherbes, a countless host of martyrs

in the cause of religion, John the Baptist, Stephen, the Apostle Paul, Peter, the blessed Savior himself; these are some of the names, dear to literature, to patriotism, and the great cause of humanity, that have suffered under this sanguinary system.

In conclusion we would remark, that the subject of crimes and punishments, has been but imperfectly understood. Men have too often measured the influence of punishment by the degree of suffering alone. They think the harder the blow, the more good is done; and that the good result will be precisely in proportion to its severity. This is too limited a method of estimating this matter. In estimating the influence and anticipated results of any proposed punishments, it is necessary to take a combined view, on the one hand, of the suffering; and on the other, of the character of the person, on whom it is inflicted. A light punishment will have more effect on a man of high character, than a severe one will have on a man of low and abandoned character. The great object of punishments, stated in a single sentence, is to secure a compliance with the wholesome laws of society. In order to secure this object perfectly, it is necessary not only to provide for inflicting suffering on offenders, but to make provision also for raising the standard of character through the community generally. The more you raise the standard of character in the community, the more you can lower the scale of penal enactments. A mild criminal code will assuredly answer in a well-informed and virtuous community; and no legislature is at liberty to adopt a severe one, until it has tried every means to diffuse intelligence and uprightness. As an illustration, a very large proportion of the crimes of the community are owing to intemperance; punishments undoubtedly tend to check these crimes; but sound policy will undoubtedly dictate, that every ef-

fort should be made to put an end to the degrading vice, which is the cause of them. Again, numerous crimes are owing to ignorance. Let every effort, therefore, be made by the legislature and by private individuals to diffuse knowledge among the people. Men have long enough acted on the principle of trampling upon and destroying each other; let them reverse the maxims of their conduct, and seek to bind up the wounds of their fellow-men, and to save them. Here is a great work to be done; a work honorable as it is great; a work, which aims at the renovation of society, not by the inefficacious methods of the block, the gallows, and the guillotine; but by the nobler methods of moral culture; by purifying the fountain of good and evil in the youthful breast; by planting the seeds of knowledge and virtue, which shall afterwards spring up and incorporate the strength of their branches and the beauty of their flower and foliage in the mature life and action of the man.

PART SECOND.

SUGGESTIONS ON THE LAW OF NATIONS.

CHAPTER FIRST.

PROGRESS OF THE LAW OF NATIONS.

THE Law of Nations, in its present extent and with its present comparative excellence, did not spring into being at once. On the contrary, it was gradual and slow in its growth, having every where expanded and purified itself, in a greater or less degree of conformity with the expansion, purification, and elevation of the human intellect. As far back as the flourishing periods of Greece and Rome, we discover the seeds, the beginnings of this law. It is right to presume, that even then its principles were in some degree recognized and put in practice, although, with the single exception of a Treatise of Aristotle on the laws of war, now lost, there seems to be no evidence of their having been embodied in the form of a science.* It is pleasing to observe, that during the Peloponessian war, a convention was formed between Athens and Sparta, by which they agreed upon a mutual surrender and exchange of prisoners; a measure honorable to its authors and far above the prevalent maxims and policy of the age. In general, the nations of antiquity, even those that were most enlightened, seem to have had but a feeble conviction, that the principles of truth, justice, and humanity, which were

* Grotius, Preliminary Discourse, § 37 :—Discourse of Sir James Mackintosh on the Law of Nature and Nations, p. 16. 2d Ed.

acknowledged to be obligatory on individuals, are equally obligatory on nations. It was undoubtedly difficult for men in their situation, constantly contending either for empire or existence, and environed by a multitude of adverse influences, to elevate their thoughts to the comprehension and belief of the sublime doctrine of Christianity, that all mankind are brethren ; that no distinctions of clime, country, or language can sunder the ties of brotherhood, and annul its beneficent requisitions. It is here we discover the great defect of their position ; they restricted not only their sympathies and kindness, but the exercise of justice to their own nation, and were led to look upon a stranger, nearly in the same light as an enemy. It was in consequence of this undue restriction of the better principles of our nature to their own people, and this perversion of the moral sentiment in relation to strangers, that the civilized and polished Greeks were induced to approve and practice the odious crime of piracy. "There were powerful Grecian states, says Chancellor Kent, that avowed the practice of piracy ; and the fleets of Athens, the best disciplined and most respectable naval force in all antiquity, were exceedingly addicted to piratical excursions. It was the received opinion, that Greeks were bound to no duties, nor by any moral law without compact, and that prisoners taken in war had no rights, and might lawfully be put to death, or sold into perpetual slavery, with their wives and children."*——The Romans appear to have exhibited a more determinate and correct sense of what was due to other nations than the Greeks ; and yet it cannot be denied that their history discloses abundant instances of cunning and prevarication, of pride and cruelty, altogether inconsistent with that rectitude, magnanimity, and benevolence, which enlightened conscience, as

*Kent's Commentaries, Lect. I,—Potter's Antiquities, Book III, Chap. 10,12.

well as Christianity, teaches us ought to characterize the dealings of man with man, and of nation with nation. Their historians make mention of the *jus belli* and the *jus gentium*; but the code, which they designated by such appellations, if such it may be called, was abundantly imperfect in some of its requisitions, impolitic and cruel in others, and would at once be rejected at the present day, as discordant with the rights and the well-being of man.

If we examine the history of the human race at later periods, during the first ages of the Christian era, and down through the days of chivalry, we shall find renewed proofs, how little the duties, owed by one nation to another, were understood and practised. At some periods since the commencement of the Christian era, international law seems to have been thrown back to a point of depression below its position, previous to the annunciation of Christianity among Gentile nations. But on the whole, it may be looked upon as slowly progressive. While it has remained stationary in some respects, it has proceeded from step to step in others, and has attempted, with a partial success at least, to complete what was deficient, and correct what was erroneous.

A few facts will more fully illustrate what we mean. It was originally an established principle, that, if a merchant vessel were wrecked upon a foreign coast, the wreck became the property of the occupants of the coast, although the real owners were living. It was an established principle also, equally characterized by injustice, that, if a person resident in a foreign country died there, his property, instead of descending to those, whom he designed and wished to be his heirs, was taken for the use and benefit of the country, where he happened to be resident at the time of his death. In both of these particulars, a great improvement has been made in the law

of nations. It was originally one of the laws of war, that the prisoners, taken in the progress of a contest, might be put to death. The conqueror was supposed to possess complete power over the captured; and but little hesitation was manifested in taking their lives, if their preservation would not answer the conqueror's purposes better.* And in point of fact, this was not unfrequently the case, especially among nations but a little removed from the savage state. Even the high-minded Romans are not altogether free from this charge. A recent writer, after remarking that their captives were led behind the chariot wheels of the victorious Roman general, adds, that death itself by the executioner in prison was sometimes the closing scene of this inhuman spectacle.† In process of time less cruel sentiments were entertained, and it seems to have become the settled practice to retain prisoners of war as slaves, and to employ them as such. But when it was considered, that a permanent detention from one's native country is but a little more favorable than immediate death, a further change took place, and the laws, which regulate the state of hostility among nations, now require an exchange of prisoners; a change of principles and practice, which cannot be regarded otherwise than an improvement. According to the modern law of nations, prisoners are treated in every respect much more favorably than they were formerly; but it is exceedingly humiliating to observe, how slow and hesitating mankind were in arriving at these results. We find instances of the reduction of prisoners to slavery, in the history of Europe, as far down as the fourteenth century, and it is only at a period somewhat later, that we find the practice branded with the published and practised disapprobation of the whole civilized world.

* Grotius, Book III, Chap. 7.—† Ward's Law of Nations, Vol. I. pp. 190. 251, 298.

At the present time it is also against the laws of war, which of course hold a prominent place in the laws of nations, to poison wells, or to use poisoned arms; but it is only within a comparatively recent period that this has become a settled and permanent arrangement. On the savage assumption, that the death of enemies is the prominent object in battle, it was deemed of subordinate consequence, how that object was secured. On these grounds it was deemed admissible and proper to employ poisoned arms, and what seems even more atrocious, to poison wells and springs of water. Richard, Cœur de Lion, died by means of a poisoned arrow, with which he had been wounded. Ambrose, earl of Warick, died of a wound by a poisoned bullet. At the seige of Bourges, in 1412, poisoned bullets were used; the fountains also in the suburbs are said to have been corrupted by poison. "Since the beginning of the seventeenth century," says Martens, "the use of empoisoned arms has been looked upon as unlawful" And in connection with this remark he refers to a Treatise on War of Beust, who there gives an account of a Convention on this very subject, made with the express object of preventing the use of poisons in war, which was concluded as late as 1675.

The same writer on the Laws of Nations refers briefly to another topic, which may properly be noticed here, as coming in aid of the illustration of our subject.—"Formerly, he observes, it was frequent enough to see the subjects of one state making reprisals on those of another; but the disorders resulting from such a practice and the dangers, to which the state itself was exposed by leaving the use of such violences in the hands of individuals, have induced, since the 14th century, the states of Europe in general, to withhold from their subjects the exercise of this dangerous right."*

* Martens' Law of Nations. Book VIII, Chap. I, §. 6.

This undoubtedly is to be considered a great improvement. Indeed it is difficult to conceive of a Law of nations, in any degree worthy of the name, while the right and the power of reprisals is left in the hands of individuals, acting on their own authority and responsibility. Happily, therefore, for the interests of mankind, it seems now to be fully settled, that a legitimate and public state of war does not necessarily ensue, as consequent on private hostilities, whatever their character may be. The opinion has even been expressed on high authority, that, if all the subjects of a king of England were to engage in hostilities against another country in league with it, but without the assent of the king, there would be still no breach of the league between the two countries.

It would not be difficult to enlarge upon this subject. But without going further, the preceding statements and illustrations are sufficient clearly to evince, that the Law of nations has been gradual in its developement, and has been brought to its present comparatively improved state only by successive steps. This advancement was so slow, and the intercourse of nations was attended with so many embarrassments and so much deception and cruelty, that no one will pretend to assert the ability and adaptedness of the Law of nations to secure permanent justice and peace at any period whatever, previous to the time of Grotius. Its principles were exceedingly indeterminate; it rested almost wholly upon precedents, which were often variant and inconsistent with each other; it was not reduced to the form of a science, and illustrated by appeals to enlightened reason and conscience. It is impossible to designate any considerable period from the beginning of history down to the commencement of the seventeenth century, when the illustrious philosopher of Delft obtained a hearing on this great subject never given before, which is not sul-

lied by a variety of crimes, repugnant to every principle of justice and humanity. Till within a very short period, international law permitted what are now considered unjustifiable atrocities; it did not preserve prisoners of war from slavery and death; it did not secure, in times of war, any adequate protection to feeble old men, to women and children; it did not afford any efficient aid and facilities for the promotion of the intercourse and peace of nations; but on the contrary, seems to have taken under its especial protection principles of violence and elements of discord.

But it will be contended, that this state of things does not exist at the present time. It will be said, that those changes in its principles, which demonstrate its original imperfection, imply also a decrease of that imperfection; that a slight improvement, at least, in its principles is admitted to have taken place; and that the statement of its deficiences is meant to apply chiefly to a period prior to the treatise of Grotius.—In noticing these suggestions, it will readily be conceded, that Grotius has done for the Law of nations, what few men, and perhaps none, have done for any other department of science. He found it a chaos. In his own language, "many before this designed to reduce it into a system; but none has accomplished it." The work of selection and arrangement, therefore, which demanded great resources of learning, not less than exquisite powers of discrimination, remained to be performed by himself. His learning was vast; he was minutely acquainted with the various codes of morality both ancient and modern; he was familiar with whatever is taught by poets, philosophers, and historians on the great matters of right, honor, and duty; and with a happy boldness, justified only by his vast erudition and genius, he ventured to prescribe the path which senators and kings and nations

should walk in. The attempt was, in a great measure, successful. The work was patronized by kings, taught in the universities, illustrated by learned commentators; and although it met with great opposition, it soon exerted a very decided influence on the cabinets and politics of Europe.

But with all the aid of Grotius and his learned commentators and followers, we are not prepared to admit, that the Law of nations, enlarged and improved as it undoubtedly is, answers the great objects, which it ought to aim to secure. If another Grotius should arise, it is not to be presumed, that he would leave the Law of nations precisely where the first Grotius left it. We venture to hazard the assertion, that the International code opens a vast field for the action of some master mind; that the time has come for a remodelling of some of its features; and that it is a duty to attempt to place it on higher and surer grounds.

CHAPTER SECOND.

APPROXIMATION OF INTERNATIONAL LAW TO THE PRINCIPLES OF THE GOSPEL.

THE remarks of the preceding chapter have prepared us in some degree for what we wish to say in this; viz, that efforts should be made, not only to improve the Law of nations, by removing the more odious features; but to bring it into entire conformity with the precepts and spirit of the Gospel. We are aware, when we consider the aggressive and retaliatory tendencies in human nature, that this is no easy task; but we do not permit ourselves to believe, that it is impossible. On the contrary we have no doubt, that it will be done; and that it will be done too, at no very distant day. The progress of the Law of nations in times past encourages the indulgence of such a hope. We have had occasion, in the preceding chapter, to notice some of the particulars, in which this progressive improvement has been realized. It is but a short time, since prisoners taken in war were treated as slaves; not unfrequently persons, who in time of peace were so unfortunate as to be thrown upon a foreign shore by shipwreck, were treated in the same manner; it was common for wrecked vessels and cargoes, without any regard to the rights of the real owners, to be seized by private individuals, or to be sequestrated to the use of the government of the country; poi-

soned arms were used, and wells and fountains were poisoned in times of war; and these and other atrocities were approved, or at least were not condemned, by the principles and customs of national intercourse. It is not so at the present time; the doctrines, which were at the foundation of these objectionable practices, have disappeared from the exalted Code, which regulates the society of nations; and why may we not hope, that the process of improvement will go on, till every feature, which is inconsistent with enlightened reason and humanity, will be done away. We certainly can desire no better augury, than that, which is founded on experience; and it cannot be denied, that the experience of the past, although less flattering than could have been wished, is on the whole favorable to encouraging anticipations in respect to the future.

Nor is this all. We rest here upon the sure word of Prophecy. The Bible, without which there would be but little basis for hope in any respect, anticipates and foretells a better day; the advent of a period characterized by the blessedness of universal holiness and peace. And not only this, the Scriptures are constantly exerting an influence, which tends to render certain the fulfilment of their own prophetic anticipations. The principles of the Gospel, circulating widely and rapidly among the mass of erroneous worldly principles, are like the little leaven that leaveneth the whole lump; although they operate in such a way as to attract but little observation, they are gradually assimilating whatever they come in contact with to their own purity. It would be unreasonable to suppose, that domestic life and the general frame of society will be raised and purified by these benign influences; and that the same influences will fail of reaching and purifying the principles of national intercourse. If there is a time coming, (and we cannot entertain a

doubt that there is,) when all nations shall be at permanent peace with each other, then the Law of nations must of course conform itself to this state of things; every dark feature will be expunged; and it will shine forth with the purity of a divine light.

It is a circumstance, worthy of some notice here, that the various treatises on International Law, in settling the great principles of national action, have failed to allow to the Gospel that weight, to which, on every consideration, it seems to be entitled. All other learning is employed; all other authorities are duly recognized; while the doctrines of Revelation, more valuable than any other, are in a great degree passed by. There are, indeed, no small number of references in Grotius to the Scriptures, both to the Old and the New Testament; and it cannot be denied, that he speaks of them with marked respect, and that he allows them some weight. But, whether it happened from inattention, or what is more probable from a preconceived bias on the subject, he seems to have entirely misunderstood the intentions and spirit of the New Testament, on the subject of war; and this mistake infuses its influence every where, and alters the character of his whole work. Burlamaqui, Vattel, Martens, and the writers generally on the subject of International Law, so far as we have been able to learn their character, erect their conclusions upon human authority and human reason alone; and cannot be considered as making any distinct and adequate account of of the Scriptures. We must be permitted to say, that we regard this, as a great error. If the precepts and principles of the Gospel are designed for the regulation of the conduct of individuals, it would be difficult to show, that they are not also applicable to the conduct of nations. In every Treatise, both on individual and national morality, the Gospel ought to be made the

standard. And certainly if we compare, as we ought to do, the principles of the international code with this exalted and unexceptionable rule, we shall find many things to correct.

There is one part of the law of nations in particular, as important certainly as any other, which has failed of receiving that attention, to which it is fairly entitled; we refer to that portion which relates to the rights of Neutrals. This defect, which in practice has operated to the great injury of pacific and neutral states, has not escaped the notice of some modern writers; and some efforts have been made, not indeed so successful as they were entitled to be, to place this important matter on grounds more favorable to the pacific intercourse of nations and more consonant with the principles of justice. A valuable American writer, speaking of the Law of nations, remarks, as follows. "There is another part of this Code still in a confused and unsatisfactory condition; —an adjustment of the rights and duties of NEUTRALS. There have been constant difficulties on the subject of blockades, contrabands, and the right of search; but none of them are at all new; they occurred with great severity in the application in the beginning of the last century. In the wars which have just ended, in which this country finally took a part, and which were, in some respects, maritime, not a single principle beneficial to the neutral, has been secured. * * * Still, he should not be in despair. *The great improvements, taking place in society and in the intercourse of nations, will probably in time reach that portion of the code, that relates to him.*"*

It is encouraging to notice expressions of this kind in writers, who are entitled to consideration. We have no doubt that there will be an improvement in this portion of the International code; and that at last, in connection

* Lyman's Diplomacy of the United States, Vol. I, Ch. 8d.

with the other parts, it will be elevated, where it should be, to a conformity with the principles of the Gospel itself. This is the great object—to bring the code of nations in strict conformity with the code of Jesus Christ, who, as compared with any other, is to be considered the great and authoritative lawgiver of the world. Every one, who is capable of exerting an influence in matters of this nature, ought to direct his efforts to this end.

But whatever may be our wishes on the subject, it should be kept in mind, that this great process of international improvement, owing to the strength of the human passions, the power of ancient prejudices, and the difficulty of bringing large masses of men to act in the same direction, will probably be *gradual*. The Gospel condemns all war; and the public Code, if it were entirely conformed to the Gospel, would do the same. But the public Code is a reflection or representation of the opinions of the great mass of individuals in civilized nations; and it cannot be expected, while the great body of the people in all such nations, as well as in all others, approves of war, that this odious feature will be removed. The approximation of the Law of nations to the benevolent spirit of the Gospel will depend upon the general infusion of that spirit among individuals. Whenever the greater portion of the individuals, who compose nations, shall denounce war, then the Law of nations will denounce it; and not before.

But, at the same time, it is a matter of no small satisfaction to notice, that there is a decidedly increasing disposition among the advocates of war to disapprove and denounce its atrocities, and an increasing desire to remove from the International code all those principles, which, without any just grounds for it, operate unfavorably to pacific and neutral nations. The friends of peace in this country, and in all others ought to notice and

cherish these favorable dispositions; they ought to lend their united and decided influence in favor of all improvements of this character, even if they fall short of what they may reasonably anticipate, when the doctrines of peace shall become more generally adopted.

It is in consequence of and in furtherance of the views, which have now been expressed, that we engage, though we must acknowledge with much hesitation, in this part of our labors. What we have to say in the chapters immediately following we denominate Suggestions; and wish them to be regarded as such; not as elaborate Essays, but as thoughts thrown off for the consideration of abler minds, who are animated by a sincere love of peace. If the doctrine of contraband of war, so far at least as to prevent the *confiscation* of that species of property, could be subverted, and the right of blockade be overthrown, if the right of destroying private property on the ocean and of employing privateers could be expunged from the Law of nations, and some other improvements of a kindred character be made, it cannot be questioned, that the cause of peace would be very sensibly advanced. Wars would then be limited, in the attack and defence, in the victory and defeat, to the national forces; and the great mass of the people, the cultivators of the soil, the mechanics, and merchants would be preserved from many of the evils, which now press so heavily upon them, whenever war exists.

CHAPTER THIRD.

REMARKS ON THE PRINCIPLES AND PRACTICE OF BLOCKADE.

One of the unsound parts of the Law of nations is the doctrine of the right of Blockade. The doctrine, as laid down by Vattel is as follows. "All commerce with a besieged town is absolutely prohibited. If I lay siege to a place, or even simply blockade it, I have a right to hinder any one from entering, and to treat as an enemy whoever attempts to enter the place, or carry any thing to the besieged without my leave; for he opposes my undertaking, and may contribute to the miscarriage of it, and thus involve me in all the misfortunes of unsuccessful war."*

The doctrine, however, is commonly limited by saying, that the blockade must be a strict or efficient one. In other words, the principle laid down, not only by Vattel but by writers on international law generally, is essentially this;—That belligerent nations have the right of instituting the blockade of an enemy's port and of excluding all neutral commerce under penalty of capture and confiscation, provided the blockade, which is instituted, be such as to render all entrance impossible, or at least exceedingly difficult.

Now admitting for the sake of argument, that nations

* Law of Nations, Bk. III, Chap. 7.

have a right to go to war, (which, whatever may be true on the light of nature, they have no right to do on the principles of the Gospel,) we maintain, nevertheless, that they have no right to institute blockades, operating in this way upon neutral nations. The objections, which we entertain to the doctrine of blockade, as laid down in the existing Law of nations, are briefly these.

I,—In the FIRST place, it is an impracticable doctrine. We do not undertake to say what, under other auspices, it *might* be. What we mean to say is, that the doctrine is actually laid down at present in such general terms, with such a want of minute specification, with such an inattention to the circumstances which must necessarily arise in all cases of actual blockade, as to be a practical nullity. A rule of the Law of nations ought to be a rule, by which those coming under its operations can guide themselves; otherwise it tends only to deceive, to lead astray, and to destroy. Now the right of blockade, as it stands on the international statute-book, is a mere abstraction, unsustained by those collateral and subsidiary principles, which are necessary in order to render it applicable in the actual intercourse of nations. The subordinate doctrines must be settled, before the general one can be made practicable. The merchant, who wishes to guide himself by this rule of the Law of nations, may well ask, When does the blockade commence? Is it constituted by the mere presence of a sufficient number of ships of war? Is it requisite, that it should be commenced by a formal and public notification of the Government, under whose orders they act? And when this is the case, is the blockade supposed to exist, till it is repealed by a like formal and public notification? Is the blockade broken as much by vessels coming out with a cargo, as by going in? Do the liabilities, attending a violation of blockade, extend to all neutral vessels both go-

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* Law of Nations, Bk. III, Chap. 7.

enforce them, which the Law of nations requires, but still with enough to do immense injury to neutral commerce. The existence of blockades of this character was a prominent cause of the last war between England and the United States. This subject is thus referred to in the President's Message of June 1, 1812.

"Under pretended blockades, without the presence of an adequate force, and sometimes without the practicability of applying one, our commerce has been plundered in every sea; the great staples of our country have been cut off from their legitimate markets; and a destructive blow aimed at our agricultural and maritime interests. In aggravation of these predatory measures, they have been considered as in force from the dates of their notification; a retrospective effect being thus added, as has been done in other important cases, to the unlawfulness of the course pursued. And to render the outrage the more signal, these mock blockades have been reiterated and enforced in the face of official communications from the British government, declaring, as the true definition of a legal blockade, that particular ports must be actually invested, and previous warning given to vessels bound to them, not to enter." Some of the blockades here referred to as destructive and illegal were the following:—Blockade of the coast from the river Elbe to Brest inclusive, instituted May 16, 1806, and covering an extent of coast of about a thousand miles:—Blockade of the Elbe, Weser, and Ems, and the coast between the same, May 11, 1807;—Blockade of the Dardanelles and Smyrna, also instituted May 11, 1807;—Blockade of Carthagena, Cadiz, and St. Lucar, and the intermediate posts between Carthagena and St. Lucar, Jan. 8, 1808.* As has been intimated, these blockades in particular, which bore very heavily in their operation on American

* Anderson's Report, Am. State Papers, Vol. VI, p. 478.

commerce, had a great influence in involving two nations, which had every inducement to remain at peace, in a sanguinary war. Illegal and dishonorable, and in their immediate operation failing to secure the results expected from them, they ultimately brought in their train a host of evils. In the course of the war, which in part grew out of the obnoxious interdictions, we find another striking instance, the legality of which is even more questionable than that of the blockade of May 1806, from the Elbe to Brest. In April of 1814, a proclamation of Vice Admiral Cochrane put in a state of blockade the whole coast of the United States, ports, harbors, bays, creeks, rivers, inlets, &c. from New Brunswick to the Mississippi, a distance of about two thousand miles; whereas the whole disposable British navy would not suffice to blockade the coast of the New England States, in the sense of the Law of nations.

It is proper to remark, that we do not design to convey the intimation by these references to instances of imperfect or illegal blockade, that Great Britain stands alone in these measures. Other nations, sustaining a lower rank as naval powers, have from time to time pursued a similar course, but on a smaller scale. France, the ambitious rival of England in what is wrong as well as what is right, gave, in her Berlin and Milan decrees, a perverse and iniquitous illustration of the principles of blockade, which will not soon be forgotten. It ought to be recollected, that at the time when the following article was promulgated, England was mistress of the ocean, and no French fleet was safe out of port.—Article third of the Imperial Decree, dated Milan, November 11, 1807. "The British Islands are declared to be in a state of blockade, both by land and sea. Every ship, of whatever nation, or whatsoever the nature of its cargo may be, that sails from the ports of England, or those of the

English colonies, and of the countries occupied by English troops, and proceeding to England, or to the English colonies, or to countries occupied by English troops, is good and lawful prize, as contrary to the present decree, and may be captured by our ships of war, or our privateers, and adjudged to the captor."

Now when we consider, that these measures were professedly taken in accordance with an established doctrine of International law, and that too in an enlightened age and by the most enlightened states in the world, it cannot fail to be felt, that the intercourse of nations ought not to be subjected to the operations of a principle, which is liable to such disastrous perversions. It may perhaps be said, that the exceptionable measures now referred to were, in part, of a retaliatory character, and were adopted at a time of great excitement and irritation. The fact is not denied; but it may be asked, when were wars ever carried on without much irritation, and without a disposition to retaliate? Are we to expect, that men will be perfectly calm, reflecting, and rational, when seizing each other's property, and bathing their hands in each other's blood? In what court of justice was violence of passion ever accepted as an excuse for crime? Admitting the fact, that these nations were in a state of great hostility and excitement, it proves nothing. It only shows we ought to be exceedingly careful, how we give our assent to any principle, which is likely to fall into such improper hands.

In the THIRD place, the right of blockade, so far as it relates to neutrals, which is the most important aspect of the subject and is the one we have particularly in view, has no tenable basis in reason, and in the permanent principles of the Law of Nations. It rests, it is true, upon something which has the appearance of a principle; but it is one, which we cannot but regard as

involving a great perversion of truth and justice, *viz.*, That the condition of the belligerent is the favorable one, and that of the neutral is the unfavorable one. In other words, where the rights of the belligerent and the neutral come in conflict, the latter must yield to the former. Now the right of carrying on commerce is a natural right; it is not only a right, but a duty; it is as much against nature and as much a sin for nations to refuse intercourse and trade with each other, as it would be for an individual wholly to exclude himself from his fellowmen, and to decline all acts of mutual kindness. No belligerent has a right to interrupt this sort of communication; on the ground of justice and reason the belligerent has nothing to do with the neutral, who merely carries on what would be considered in times of peace a legal and rightful commerce; the rights of peace, in other words the rights of neutrals, in the prosecution of a pacific intercourse, ought to be considered paramount to all others; and the flag of peace ought to float above all others, because such are the intentions of nature. It is the intentions of nature, which is to decide this question. Does she design, that men shall die or live—that they shall be foes or friends—that they shall help each other or destroy each other? It is believed, that the strange doctrine of Hobbes, which represents men as naturally in a state of hostility and war with each other, will find but few supporters at the present day. If there is any truth susceptible of being placed on a settled foundation, it is that the natural state of men is one of society, friendship, and peace. Hostillty is undoubtedly an incident to man's character, when he is placed in certain situations; but, although it has been deplorably fostered by evil and designing men, it is by no means the predominant sentiment of his heart. The natural course of things runs in the line of sociality and friendship. War

is a sad and hateful deviation from it. It would seem, then, evidently to follow, that the spirit and decisions of the law of nations ought to foster and cherish the natural state of things, and to check, as far as possible, the deviations. We apprehend, it ought to speak as the friend of peace and peaceful nations, and to throw every proper obstacle in the way of the unnecessary commencement and prosecution of wars; and that in all cases of conflicting rights, it ought to take the side of the neutral and set itself against the claims of the belligerent.

In the FOURTH place, the doctrine is unsupported, and not only so, is wholly condemned, by all analogy. The true course of reasoning on these subjects, and that which generally obtains, is from individuals to communities. Let us apply this mode of reasoning. Here are three men, neighbors; two are contending with each other; and the third is pacific and neutral. But one of the contending parties undertakes to say to the person, who stands aloof from the contest, you must not go to the house of my enemy, nor approach within fifty rods of it; you are his neighbor and friend, it is true, but the rights of hostility are paramount, and those of friendship are subordinate; you must not go to him nor permit your wife and children to go; you must not send him a spade nor a pick-axe, nor a billet of wood nor a pint of meal nor a drop of water; because if you do, you necessarily give him encouragement and strength, which of course indirectly operates against me; and if you take these measures, however you may be called to do it by the suggestions of humanity and by the ties of friendship, I will destroy you. It is not to be supposed, that such assumptions on the part of a quarrelsome individual would be admitted in private life. There is no question, that they would be rejected and spurned at once, as wholly inadmissible. But the same principles apply here,

as in the case of nations; and if, in the case of individuals, we are correct in not considering the rights of the belligerent party paramount, if we altogether deny the justice and propriety of the quarrelsome individual's treating the pacific individual in this way, we may properly take the same ground in regard to nations.——We know that various objections may be raised to these suggestions; but we have great confidence, that a full and minute examination of this subject, (such an examination as we are not now, for various reasons, permitted to go into,) would favor and confirm them.

It ought perhaps to be added, that the position, which requires the utter rejection of the whole doctrine of the right of blockade, is not wholly unsupported by the favorable sentiments of men, who stand high in public estimation as politicians and philosophers. We infer from various passages in his political writings, that such were the sentiments of Dr. Franklin. We know for certainty that he and Mr. Jefferson, (whose sentiments on neutral rights and other related subjects of public law seem to have been closely allied to those of Dr. Franklin,) participated in forming a treaty with Prussia, by the terms of which the right of blockade was abolished in respect to the parties to the treaty. Mr. Adams also was a signer to the treaty in question. This treaty may be regarded as an expression of the sentiments of these distinguished men in respect to the course, which they considered it right and proper for nations to pursue; particularly as we find them attempting to secure the same or equivalent provisions in the progress of other negociations.* The clause of the treaty, which relates to the subject before us, is as follows.——"If one of the contracting parties should be engaged in war with any other power, the free intercourse and commerce of the sub-

*Diplomatic Correspondence of the United States, Vol. II, p. 429.

jects or citizens of the party remaining neuter with the belligerent powers, shall not be interrupted. On the contrary, in that case as in full peace, the vessels of the neutral party may navigate freely to and from the ports and on the coasts of the belligerent parties, free vessels making free goods, insomuch, that all things shall be adjudged free which shall be on board any vessel belonging to the neutral party, although such things belong to an enemy of the other; and the same freedom shall be extended to persons who shall be on board a free vessel, although they should be enemies to the other party, unless they be soldiers in actual service of such enemy."*

CHAPTER FOURTH.

OF ARTICLES CONTRABAND OF WAR.

A prolific source of irritation and dispute among nations, and one which neither treaties nor express stipulations have been able to close nor even greatly to diminish, is the doctrine of Contraband of war.——This matter furnishes so important a topic in the history of modern warfare and modern diplomacy, that it certainly demands some notice.

Under the head of contraband goods are usually included goods, that are particularly useful in war, such as arms, ammunition, timber for shipbuilding, all kinds of

*Secret Journals of Congress. Foreign Affairs, Vol. IV.—See also Spark's Diplom. Correspondence of the Am. Revolution, Vol. IV, pp. 119, 155.

naval stores, horses, &c. Such are the expressions, which we find commonly employed in writers on national law; but obviously it is not easy to find any thing more indefinite, or more open to interminable difficulties. With no greater perversion, than has often been practically applied to the principles of blockade, this doctrine of contraband might be extended to every thing, excepting the acknowledged luxuries of life. It would require no great expense of plausible ingenuity to extend the doctrine to cows and sheep as well as horses, to include in it ship-bread as well as timber for the building of ships, and all sorts of clothing for sailors and soldiers, both in the raw material and when made up, as well as naval and military stores in the more common forms. Here, then, is an abundant subject of controversy.——Vattel lays it down, as a principle of the Law of nations, that provisions, in certain junctures are contraband.* But it is worthy of remark, that, in connection with this very passage, he refers to a letter of the celebrated Pensionary De Witt, who takes different ground and acknowledges, that it would be contrary to the law of nations to prevent neutrals from carrying corn to an enemy's country. So that we have these two great names opposed to each other; but this is only one out of a multitude of instances, where both opinions and practice have come in conflict on this intricate subject.

The language of Martens on this subject seems clearly to imply, that he considered it exceedingly variant and unsettled. "The list of these merchandises, he says, commonly called contraband, has been differently composed in different treaties of commerce. Sometimes this list has been swelled out with merchandises, which are not evidently and unequivocally intended for warlike purposes, though they may be useful to the enemy, such

*Law of Nations, Bk. III, Chap. 7.

as ship timber, cables, hemp, coined money, corn, spirituous liquors, tobacco, provisions, &c.; and at other times, such merchandises have been expressly declared not contraband." And in the next section, speaking of the right of confiscating contraband goods, and of the extension of the right to both vessel and cargo, he observes, that, where there are no treaties on the subject, the conduct of belligerent powers is extremely variant.* Chancellor Kent asserts, that the authorities vary in their attempt to define goods, denominated contraband of war, or are deficient in precision, and that the subject has long been a fruitful source of dispute between neutral and belligerent nations. †

Some attempts have been made, as above intimated, by Martens, towards settling this subject by means of treaties. But as they continually differ from each other in their specifications of what are to be regarded as contraband and what are not, no satisfactory deduction can be made from them, tending to establish a fixed and invariable rule. Some treaties recognize provisions, for instance, as liable to be pronounced contraband; others do not; and one at least, the treaty between the United States and Prussia, already referred to, enters into an agreement binding upon the contracting parties, that no articles heretofore deemed contraband, shall hereafter be so deemed, so as to induce confiscation, or condemnation, and a loss of property to individuals. So that whether we endeavor to examine the doctrine of contraband by a reference to the customary authorities, or to obtain light upon it by the collation of treaties, we are still left entirely at a loss. Or perhaps the conclusion would be, from a joint regard to the speculations of writers and the practice of nations, that the maritime juris-

*Martens' Law of Nations, Bk. VIII, §. §. 12, 13.

†Kent's Law of Nations, Lect. VII.

dictions and other authorities of each nation may establish a list of contraband for themselves; in other words, that there is no limitation whatever on a nation's option to increase or diminish the list of contraband, excepting the voluntary restriction of an express written convention with particular States. If this be the correct and tenable doctrine, it has been justly remarked, that "the law of nations, instead of being a stable rule, would fluctuate according to the caprice and force of the belligerent parties."* And yet if we may estimate the opinions of nations from their conduct, we shall see reasons for the inference, that they have sometimes so regarded it. On what other grounds, can we explain the extraordinary decree of the National Convention of France, 19th of May 1793, that all neutral vessels, laden with provisions, destined to an enemy's port, should be arrested and carried into France? Or one of the earliest acts of England in the same war, authorizing her ships of war and privateers to detain all neutral vessels going to France, and laden with corn, meal, and flour? To maintain the right, as was done by those enlightened nations, of prohibiting neutral ships from carrying provisions, corn, meal, flour, &c. to each other, was assuming and acting on a latitude of construction, approaching very near to unlimited.† Can we well say, that there is any restriction whatever on the number of contraband, if provisions are to be included in that number? Are corn, flour, rice, and other provisions, the bountiful gift of God to all his creatures and as necessary for their daily support as the air they breathe, to be pressed into the abhorred category of instruments of war?

It might properly be considered an open question, and

* Randolph's Letter to Hammond, Am. State Papers, Vol. II, p. 31.——

† See Pinkney's opinions delivered before the Commissioners under the Treaty of 1794; Case of the Neptune.

worthy of the most deliberate discussion, whether naval stores, the use of which the present great extension of commerce has so closely and essentially connected with the promotion of the best interests of mankind, ought not to be excluded from the list of contraband. Among other reasons of still greater weight, such an exclusion might be maintained on the ground, that the opposite doctrine was established, when the interests and rights of commerce were not properly appreciated, and those of war and violence were predominant. The attempt might be reasonably made to redeem various other articles and classes of articles from the interdicted enumeration, which has been so inordinately swelled by the excited watchfulness and the ambition of belligerents. But in regard to the various kinds of provisions in particular, there would seem to be no reasonable doubt. It cannot be pretended, that there is such a fitness in them, either directly or indirectly, for the purposes of war, as is generally understood to be indicated by the phrase *instruments of war*. The confiscation of provisions for the purposes of war, in other words, for the purpose of starving a nation into acquiescence, we apprehend to be as clearly repugnant to enlightened reason and conscience, as the use of poisoned arms in war, and the poisoning of wells. It is peculiarly atrocious in this respect, that it is in fact, though indirectly, an interdiction of the culture of the earth, a virtual prohibition of the use of the spade and the plough any further than may be necessary for the sustenance of the cultivators themselves; and consequently a presuming and unrighteous interruption of those plans of benevolence, which the Creator proposed, in giving the earth to man for his benefit. It seems to be striking a blow at the existence of the human race, and instead of the desirable object of diminishing the atrocities and horrors of war, it is taking an important

step in favor of extending them to the utmost possible limit.

I,—In view of what has been said, we take the liberty to suggest, that the friends of peace may properly unite their exertions and influence, (so far as they have any influence in settling the great questions of international policy,) with those, who would scrupulously restrict the list of contraband to those articles, which are designed to be *directly* employed in war, such as swords, pistols, muskets, sabres, cannon, powder, &c. Since the time that the Savior said, "put up thy sword again into its place," they certainly can have no objection to all such things being regarded as contraband, even in a stricter sense than the term bears in the Law of nations. But they cannot, in ascertaining the list of contraband, consistently go further than this.

II,—While the friends of peace take the ground, that all articles, destined to be solely and directly employed in war, may be regarded, on the principles of the existing public code, as contraband, they do not take this view, because they consider the rights of the belligerent as paramount, and those of the pacific neutral as subordinate. On the contrary, they agree in placing the rights and claims of the neutral before those of the belligerent, as being more consonant with the intentions of nature and of the Gospel. But, admitting that commerce in certain things may be interdicted as against good morals and against nature, they consent to the doctrine which regards them as contraband on the more general grounds, that they are weapons of destruction; that they are designed, whatever plausible pretexts may be presented for the use of them, as instruments of great evil; that they are formed and used for purposes, which violate the beneficent objects of the great Lawgiver.

III,—Nevertheless, in order to prevent those difficul-

ties, which are apt to arise from misunderstandings and differences of opinion on this subject, and which are the fruitful source of wars, it ought to be a principle in every nation's policy, so long as there is a prospect of wars continuing, to insert in its commercial treaties with other nations what the parties mutually consider as contraband. If this were always done, there is no question, that wars would be less frequent.

It will be recollected, that these suggestions are made with the simple view of uniting our feeble aid, in concurrence with those, who are desirious of imparting to the Law of nations an aspect more favorable to the neutral, and consequently more pacific. We deny, that nations on the principles of the Gospel have a right to make war at all; but we do not wish to blind ourselves to the fact, that they will take time in coming to this great conclusion. In all great movements, involving whole communities, there will be currents and counter currents; sometimes uniting and helping each other, sometimes crossing each other's direction. In the authorities on the Law of nations, it can hardly escape notice, that there are some tides of opinion, setting in the direction of a pacific policy, and placing themselves in opposition to the predominance, which belligerent interests have hitherto maintained. In expressing our approbation of these opinions, and in doing what little we can to show their reasonableness, we conceive that we are aiding the great cause of peace.

CHAPTER FIFTH.

FREE SHIPS, FREE GOODS.

It was formerly a principle of the public code, that the property of a belligerent, found on board the vessel of a neutral, was good prize. The consequence was, that neutral vessels were constantly liable to be visited and searched, in the expectation of furnishing more or less of spoil to armed ships, that might see fit to subject them to such vexatious proceedings. Wherever they went, armed vessels crossed their track; and their loss of property was hardly more intolerable, than the vexations and insults, to which they were exposed. The evils, attending the application of this doctrine, became at last so apparent, that an attempt was made to introduce a new and entirely different principle, viz., that the flag should protect the cargo; more generally known by the concise expression, FREE SHIPS, FREE GOODS. This principle rendered the property of an enemy under a neutral flag safe, but exposed the property of a neutral under a hostile flag to capture. This more recent doctrine has been frequently recognized in the treaties, which have been formed since the middle of the seventeenth century, particularly those made between France and other governments. Great Britain, probably for reasons connected with her great maritime strength, has always resisted the incor-

poration of the doctrine, FREE SHIPS, FREE GOODS, with the public code. It was partly in reference to the course pursued by Great Britain, that the empress Catherine of Russia declared in 1780, that she was willing, if necessary, to enforce the new principle by arms. It was in support of this principle in particular, although some others of minor consequence were not lost sight of, that the Armed Neutrality was formed, of which Russia was the head. Denmark, Sweden, Holland, France, Spain, Prussia, Austria, Portugal, and Naples united with Russia in the pursuit of this object. Many commercial conventions, probably three fourths that have been made since the Treaty of Westphalia in 1668, have expressly recognized the adoption of the doctrine under consideration.* England, as already remarked, has always opposed it, and as she has been for a long series of years the predominant European power on the ocean, her opposition has rendered it uncertain, what at the present moment is to be regarded as the public law in this matter.

I,——Upon these statements we may remark, FIRST, that the introduction of this new principle has undoubtedly a close connection with the cause of peace. The old principle, which authorized the seizure of enemy's property, wherever it might be found, was in its applications exceedingly vexatious. It furnished a pretext, of which there were always enough ready to avail themselves, not only to interrupt and perplex the commercial intercourse of pacific nations, but actually to seize and confiscate neutral, as well as enemy's property. Many wars can probably be traced to this source. And it is to be presumed, that what is called the new principle would be comparatively favorable to the repose and happiness of nations.

*Lyman's Dyplomacy of the United States, Vol. I, Chap. 3d, 2d Ed.

II,——However desirable it may be, (and it is hoped it may eventually be done by pacific, not by warlike means,) to introduce the doctrine in question into the public code, it ought to be understood, that this is not by any means enough. That the flag of the neutral should protect the property, over which it floats, is right; it is agreeable to an enlightened common sense, as well as to the suggestions of humanity. A BONA FIDE merchant ship is a domicil; in the eye of well instructed reason and good will, it is and ought to be as sacred as any other human residence; and no foot ought to be allowed to plant itself there, which does not come in the spirit of amity. But this improvement, though a considerable one, is far from coming up to the line of the real claims of humanity. The private property of belligerents, (all the property of individuals which is held and is transmitted from place to place for private and pacific, and not for warlike purposes,) ought to be held sacred, not only on board neutral ships, but every where.

CHAPTER SIXTH.

OF WAR ON PRIVATE PROPERTY ON THE OCEAN.

THE closing paragraph of the preceding Chapter leads us to remark more particularly on what we consider a contradictory and exceedingly odious feature in the code of international law. We refer, as what has been said will lead the reader to anticipate, to the taking of private property on the ocean, whether by public ships, or by the more odious practice of privateering. And by private property here, we mean not merely such as may happen to be embarked in neutral vessels; but also private property on board of the merchant ships of the parties at war.

In order to justify the severe animadversion, which we are disposed to pass on the practice of taking private property on the ocean, it is necessary to advert to the practice on the land. It is exceedingly gratifying to find, that the principles of the laws of war, so far as operations on land are concerned, have been gradually modified and improved; becoming more and more adapted to the improved state of society, and conforming themselves more strictly to the dictates of an enlightened justice. Large armies often pass through the territories of their enemies in war, and meet each other in desperate conflict, without committing devastations on the property of

those, who are pursuing the arts of peace, or causing them any permanent interruptions. It has now become a settled principle in the law of nations, that the direct miseries of war shall be inflicted only on those, who are engaged in actual hostilities; a principle, saying nothing of its intrinsic propriety and rectitude, which was loudly called for by the claims of humanity. There may be some exceptions to the general principle in extreme cases, as in the case of a besieged or assaulted city, where the attacking army would necessarily be defeated in its object by a strict adherence to it; but in all ordinary conjunctures it is sustained in good faith. Private property is not touched; the lands and dwellings of the inhabitants are respected; and when at times the conquering army are obliged to exact provisions absolutely necessary for their support, it is on the ground of a reasonable compensation being made.

"At present, says Vattel, war is carried on by regular troops; the people, the peasants, the citizens take no part in it, and generally have nothing to fear from the sword of the enemy. Provided the inhabitants submit to him, who is master of the country, pay the contributions imposed, and refrain from all hostilities, they live in as perfect safety, as if they were friends; they even continue in possession of what belongs to them; the country people come freely to the camp to sell their provisions, and are protected, as far as possible, from the calamities of war. A laudable custom, truly worthy of those nations who value themselves on their humanity, and advantageous even to the enemy, who acts with such moderation."

It may be added, that this principle in the law of nations is not a mere dead letter. Not unfrequently, when armies, under the influence of an uncontrolled hostile feeling, have been guilty of seizing private property, the na-

tion, to which the delinquent army belonged, has practically rendered its homage to the principle in question by a suitable reparation. This was the case in the last war between England and the United States, and other instances are not wanting. But while we most cheerfully and readily yield our approbation of a principle so full of wisdom and humanity, we are astonished to find, that what is right on the land, is by the same law of nations wrong on the water; and that the protection, which is afforded to the property of the farmer and the mechanic, is withholden from that of the merchant and the sailor. Here is a palpable and surprizing contradiction; but it is almost a trite remark to say, that there is no contradiction in justice, no fickleness and falsity in the immutable principles of right; and that, if the doctrine of national law be correct and highly commendable in the one case, it is erroneous and detestable in the other. If a merchant's goods are found in his store on the land, they are not only respected by the enemy, but the owner is permitted to vend them, to buy and to sell as usual; but if the same goods are found on the ocean, though sent on a legal and peaceful voyage, they are captured and made lawful prize. This is undoubtedly a fruitful source of unmerited, unmitigated, and heart-rending distress to a large and interesting portion of every civilized community. The merchant not only pays his proportion of the taxes, incident to a state of war, but if he happens to venture out on that great highway of nations, which God has assigned to men, not for depredations and battle, but for the purpose of intercourse, mutual assistance, and traffic, he may lose his whole property at once, although he is as much in the exercise of a recognized and peaceful vocation, as any man whatever.

This subject has for many years elicited no small attention. It would be an easy matter to adduce the

opinions of many distinguished men, who have expressed themselves in opposition to the prevailing practice.—— "Another subject (says Mr. Livingston, in the debate on the proposed Congress of Panama,) is the placing private property on the ocean, in time of war, in the same safety, that it is on land. No good reason can be given why, when a maritime town is taken by an enemy's force, private property should be respected in stores, when the same property, moved into a ship, would be good prize ;—why the husbandman may pursue his calling, and the sailor, following an equally peaceful business, should be liable to capture and imprisonment. How honorable to ourselves, how important to humanity, could stipulations to effect these objects, and to abolish the disgraceful and unprofitable practice of privateering be, by our agency, introduced into the code of nations. And if their utility and justice should not cause them to be considered a part of the European law of nations, but were made binding on the American States alone, the advantage would be incalculable ; the reputation of having introduced them would be permanent and splendid."

"One would think, (says Mr. A. H. Everett in some remarks on the same interesting topic,) the civilians must be lunatic themselves to make an action change its character from right to wrong four times every twenty four hours, without any other change of circumstances than the ebb and flow of the tide in the place where it was committed ; yet such, according to the *present* law of nations, is literally the fact. The plunder of private property belonging to enemies by an armed force on a beach would be against the law of nations, and generally punishable with death ; while the same act, performed by a ship of war at the same place, when covered with water at high tide, would be agreeable to usage

and public law. While we are going back to antiquity in search of authorities on the law of nature and nations, would it not be as well for the honor of common sense, if not of humanity, to pass over the age of the crusades, when the nameless, I had almost said shameless compilations, so often appealed to in maritime courts, were collected, and ascend to the time of Cicero ?"

And may we not add, in connection with these just and conclusive remarks, if the cause of humanity would be promoted by ascending to the time of Cicero, as probably it would be, would it not be promoted still more truly and emphatically by appealing to the instructions of Him, who spake, as never man spake ? We never could bring ourselves to speak lightly of the great Roman orator ; his philosophy is dictated not less by humanity than by wisdom ; there is diffused through it a great breadth and expansion of view, and at the same time a charming spirit of goodwill and benevolence, honorable to him as a man and as a distinguished teacher of the human race. But at the same time we ought never to forget, that we have a divine teacher, with whom it would be hardly less than impiety to compare, either in wisdom or benevolence, any of the great names of the earth. Happy will it be when politicians and civilians are truly disposed to derive the principles, which they prescribe for the regulation of individual and national conduct, from a source so exalted !

CHAPTER SEVENTH.

ON PRIVATEERING.

The distresses, which merchants suffer from the exposure of their private property to belligerent attacks on the ocean, are increased by the odious practice of privateering. Individuals, acting, however, under the authority of their government, fit out armed vessels at their own expense and risk, for the purpose of seizing not only the public, but the private property of the nation at war, and with the pledge, after a legal adjudication, of appropriating the property thus seized to their own private purposes. Undoubtedly there is, in this way, a great temptation held up before human cupidity; and the result is what might be anticipated, that a multitude of privateers swarm forth from all the ports, not for the purpose of avenging their nation's wrongs, but to enrich themselves with the price of human blood; not to meet public ships in what is considered fair and open combat, but to skulk about, like cowardly thieves and midnight assassins, to seize the peaceful and unarmed merchantman.—Without bestowing a thought on the blood, which will be shed to gratify their insatiable avarice, without the least sympathy for desolate widows and orphans, and for whole families plunged from opulence and hope to poverty and despair, they go forward to their object,

(the same which crucified the Savior of the world,) their thirty pieces of silver. By the general consent of mankind it was proclaimed, that war has horrors enough without the poisoning of wells, without the murdering and enslavement of prisoners, without the sacking of peaceful cities and villages; and happy will it be, when the same unanimous consent of voice shall announce, that war has horrors enough without the demoralization and cruelties of privateering.

We are aware that some persons may be disposed to take exception at these expressions on the subject of privateering, and may pronounce them unnecessarily severe; but we cannot deny, that they seem to us amply justified by the nature of the subject. Nor, in this matter, do we stand alone, either in opinion or in feeling. The United States, as a nation, as a great people deciding upon an important question of national morals, have ever expressed their disapprobation of the practice of privateering, and their desire, that the principles, which permitted it, might be expunged from the public code. When Franklin, Jefferson, and Adams, near the close of the Revolution, were appointed by Congress commissioners to form treaties with the leading powers of Europe, they were instructed to stipulate, among other propositions favorable to pacific and neutral interests, that, if war should arise between the two contracting parties, neither of them should grant or issue any commission to any private armed vessels, empowering them to interrupt or destroy merchant ships.* Some years since certain memorials on the subject of privateering were presented to the Congress of the United States by citizens of the State of Ohio. They were referred to the Committee of Foreign Relations; and from that Committee a Report was made by Mr. Lowndes of South Caroli-

* Secret Journals of Congress, Vol. III, p. 486.

na, a name deservedly held in estimation by the whole American people. Among other things the Report has the following statements.——"It is the security of fair and harmless commerce from all attack, which the memorialists most desire. It is the introduction of a system, which shall confine the immediate injuries of war to those, whose sex and age and occupation do not unfit them for the struggle. If these are the wishes of the memorialists, the Committee express their concurrence in them without hesitation.

"The Committee think that it will be right in the government of the United States to renew its attempts to obtain the *mitigation of a barbarous code*, whenever there shall seem a probability of its success. They do not doubt, that it will do so. Its first efforts at negotiation were characterized by an anxiety to limit the evils of war; and if it seem to have desisted from the prosecution of this design, the Committee believe, that this circumstance must be attributed, not to a change in the policy of the United States, but to a perseverance in their former policy of other nations.

"The Committee are not unaware, that the United States are better situated, than any other nation to profit by privateering; but they are far from opposing this calculation to a regulation, which, if the powers of the world would adopt it, they too should consider *as a happy improvement in the laws of nations.*"

When distinguished citizens and statesmen are generally found to utter such sentiments, every thing is to be hoped for. Every word they pronounce is cherished in the recollections of the friends of the human race, and in due season will be found working out its effects. And this must be our excuse for so frequently referring to the opinions of such men, to whom the public naturally look for advice and guidance on subjects of this nature. We con-

clude this chapter with the following extract from the writings of Dr. Franklin, expressing sentiments, which he seems to have enforced on every suitable occasion.

"It behoves merchants to consider well of the justice of a war, before they voluntarily engage a gang of ruffians to attack their fellow-merchants of a neighboring nation, to plunder them of their property, and perhaps ruin them and their families, if they yield it; or to wound, maim, or murder them, if they endeavor to defend it. Yet these things are done by Christian merchants, whether a war be just or unjust; and it can hardly be just on both sides. They are done by English and American merchants, who, nevertheless, complain of private theft, and hang by dozens the thieves they have taught by their own example.

"It is high time, for the sake of humanity, that a stop were put to this enormity. The United States of America, though better situated than any European nation to make profit by privateering (most of the trade of Europe, with the West Indies, passing before their doors) are, as far as in them lies, endeavoring to abolish the practice, by offering, in all their treaties with other powers, an article, engaging solemnly, that, in case of future war, no privateer shall be commissioned on either side; and that unarmed merchant-ships, on both sides, shall pursue their voyages unmolested. This will be a happy improvement of the law of nations. The humane and the just cannot but wish general success to the proposition.

* Franklin's Works, Vol. II, p. 448.

CHAPTER EIGHTH.

PIRACIES.

PIRATICAL depredations, without excepting even the present enlightened and commercial age, have always been more or less perpetrated. Within a few years the Gulph of Mexico and the neighboring seas have been infested with the vessels of pirates, and their robberies and murders have been attended with circumstances of the most shocking atrocity. They became so numerous, active, and formidable in 1823, that the United States, independently of the force kept there for the same purpose by other nations, thought it necessary to maintain on the West India station twenty armed vessels for the protection of their commerce; and even these were found to be but partially effectual. As pirates do not confine themselves to any particular place or residence, but rove wherever there is a probability of finding their victims, they cannot be considered the subjects of any one government in particular; and yet it cannot be questioned, that all nations have a duty to perform in respect to them. The principles and duties, therefore, having relation to piracy, are of an international, as well as of an internal and municipal character, and are to be sought for in the Law of nations. But it is undoubtedly true, that the subject is there treated in a

very limited and superficial manner; especially when we consider, that the character of piracy, at least in a modified form, attaches to some large States, such as the Algerines and Tripolitans. It is not enough to say, that a pirate is a sea-thief, an outcast from society, an enemy of human kind; and to leave it to the discretion of all nations to operate against him as they please. We cannot help regarding the subject as one of too much importance and of too much difficulty to be despatched in this summary way.

Among other things, it ought to be understood, that the pirate operates upon the land, as well as upon the water. It is well known, that the numerous and fearful piracies a few years since in the Gulph of Mexico and the neighboring seas were committed by bands of robbers inhabiting the land, who held an active communication with the large towns; and who, in consequence of the information thus afforded, were enabled to sally out from their lurking places at the precise moment, when the unsuspecting merchantman could not fail to fall a prey to them. They even seduced and corrupted the integrity of a large portion of the surrounding population, by means of the low price, at which they disposed of their iniquitous gains; and by their number, activity, and wealth, perplexed and set at defiance the local authorities. This state of things was supposed to present an urgent case for immediate action on the part of those nations, whose commerce was thus exposed; but it was very difficult to determine, what precise measures should be taken. As the pirates issued out in small and swift vessels, drawing but a few feet of water, they could not easily be pursued amid the shallows, to which they fled; and when this could be done, they immediately escaped to the caverns and strong-holds of the interior. Nothing remained then but to pursue the robbers on the land; but

this was a course requiring much consideration, and very different views were taken of it. Some contended, on the ground that pirates are the enemies of the human race, that we have by the law of nations the same rights against them as against nations at war with us, whose broken forces we are authorized by the existing public law to pursue, in the heat of contest, beyond the limits of neutral territory; and that consequently they might be pursued into the main land, and even into the villages, and be taken without any regard to the existing municipal authorities. On the other hand it was said, that these measures would be likely to be followed by resistance and violence on the part of the inhabitants, which must either terminate in the forcible occupation of the country or the expulsion of the invaders; a state of things deplorable in itself and leading to deplorable consequences, besides being beyond the prescriptions and guidance of the letter, and probably the spirit of the Law of nations. Among other things it was seriously and ably argued, and was proposed as a measure to be carried into effect, that piracies, which could be traced in their origin to particular countries and cities, constituted sufficient grounds for the blockade of such countries and cities; a proposition, which was met on the part of its opposers, by abundant scepticism both as to its legality and expediency.

All we have to add is, that this subject is worthy the notice of writers on the public code. In itself and in its connections, it is deserving of their anxious inquiries; particularly as it relates, not merely to the violations and loss of property, but to an immense loss of life, accompanied with circumstances of extreme and horrible cruelty. The pirate makes no distinction of age or sex. It was made to appear before a Committee of the American Congress, that out of twelve vessels, cap-

tured within a short period of each other, not one person was suffered to survive.

I,—But here is a great practical difficulty. In what way can the Law of nations, in consistency with peace principles, reach this great evil? We answer in the FIRST place, by the recognition of principles, which naturally tend to the abolition of the slave trade. And among other things, by the adoption of doctrines, which tend to the abolition of slavery itself; by delineating its true character, and by proscribing the existence of slavery under all circumstances. For when slavery dies, the slave trade dies with it. And the slave trade always has been, and always will be the nurse of pirates.

II,—In the SECOND place, the Law of nations, if it would abolish piracy, must take the step of abolishing war on private property on the ocean. The effects of this practice are exceedingly pernicious in their bearing on the private interests and happiness of those, whose property is thus taken; but it is not often thought, how pernicious they are to those, who are the agents in it; in hardening the heart to sentiments of humanity, in unsettling the moral principles, and in preparing the way, by a secret but sure process, for a subsequent course of cruelty and crime.

III,—Again, if the Law of nations would abolish piracy, it must abolish privateering. We are inclined to the opinion, that the parentage of piracy is to be sought in privateering more than any where else. If war on private property on the ocean has a pernicious moral effect, even when carried on by public ships of war, the evil is increased ten-fold, when it is carried on by privateers. The man, who finds himself authorized by the public law of his country, to attack and destroy unoffending merchantmen, will easily be led to believe, that there is no distinct and permanent foundation of justice, and that

superiority of force constitutes right; and especially so, as many persons, employed on board of privateers, are young, have had but small opportunities of inquiry and reflection, and their moral principles are not fully established. It is undoubtedly true, that many young men, of whom favorable expectations were entertained, and who in their better days would have shuddered at the idea of piracy, have been introduced to that dreadful practice through the corrupting channel of authorized letters of marque and reprisal. They reason falsely but not unnaturally, that if superiority of national power constitutes public right, (and they do not well understand in what other way it can be constituted in the matter of privateering,) private power may constitute private right, and that it is accordingly lawful for themselves to pursue, and attack, and possess, whatever and wherever they can.——Says Dr. Franklin in a letter to David Hartley, "I do not wish to see a new Barbary rising in America, and our long extended coast occupied by piratical States. I fear lest our privateering success in the two last wars should already have given our people too strong a relish for that most mischievous kind of gaming, mixed with blood; and if a stop is not now put to the practice, mankind may hereafter be more plagued with American corsairs, than they have been and are with the Turkish."

IV,—Nor is this all. Measures of a pacific nature may be taken, tending to prevent the introduction and sale of goods taken by pirates. There are but comparatively few piracies, when there is no market for the sale of piratical goods. And whether there is, or is not such a market, will depend chiefly upon internal and municipal regulations, and upon the state of society.——Such measures as these strike at the root of the evil. Ships of war may terminate piracy for a time; but the aboli-

tion of slavery, the slave trade, war on merchant ships, and privateering, together with the diffusion of equal rights, justice, education, and benevolence, which are measures wholly consistent with the purest principles of peace, will terminate it forever.

CHAPTER NINTH.

RIGHT OF SEARCH AND IMPRESSMENT.

THE right of confiscating contraband goods is generally understood to involve and imply the right of search. Not only contraband goods, but enemy's property of all kinds, and also their subjects, may, by the prevalent law and practice of nations, be taken from neutrals; and the right of search is regarded as necessarily incidental to this. This is the general view of the subject; but like the others, which have been referred to, it is perplexed with difficulties, whether we consider it as an original question to be determined by the principles of natural justice, or refer to the practice of nations. We do not feel at liberty to enter into this discussion, considered as an original and unsettled one, for the obvious reason, that, if the question were fully investigated, the discussion would occupy the whole length, allotted to these inquiries. It is not so much our object to settle questions, if that in the existing state of things were possible, as to show that there are questions to be settled, and to make such suggestions as the interests of peace seem to re-

quire. Is the right of search, then, with its incidental consequences, clearly a settled principle of the law of nations? If this be the case, how has it happened, that the exercise of the right has been attended with such irritating effects, with so much injustice and suffering, and such often repeated remonstrance and even resistance on the part of neutrals? Vattel states, that "some powerful nations, have at different times, refused to submit to this search." Grotius informs us, that, in the time of Elizabeth, the king of France would not permit French ships to be searched, prosecuting a neutral voyage, because it would be an injury to trade, and furnish a favorable occasion for pillage.

More recently this subject has been the cause of much misunderstanding between the United States and England; the right, in its fullest extent, being insisted on by the one power, and opposed by the other. During the recent long and bloody wars between France and England, the latter power, which had placed her chief dependence on her naval efforts, undoubtedly had need of all her seamen. Acting on the supposition, that British seamen had frequently deserted and had found employment on board American merchantmen, English ships of war endeavored to reclaim them, by the exercise of the right of search. Accordingly American merchantmen were subject to the exceeding vexation and loss of being visited in this way by English vessels; and while some English deserters were probably taken and carried back, a far greater number of Americans were separated from the crews, with which they had shipped, were torn from their native country, and compelled for years to serve on board British ships of war. This state of things naturally produced unspeakable irritation on the part of the Americans, and was one of the prominent causes of the late war between the two nations.

Now if the principles of search and impressment are wrong, they ought to be corrected; if the principles are right, there is equal necessity of new methods and arrangements, in the application of them. It is true, that errors in principle and absurdities in practice admit of the resort to war, and war is one of the methods of terminating disputes. But we venture to assert, that the method is at least as absurd as the pretentions, whatever they may be, which lead to the employment of it. It may indeed be a method of settling questions, for what will not bow to superiority of force; but it is not a method of settling the right or justice of questions. If it were otherwise, we might justly suppose, that six thousand years of public and private contest could ere this have liquidated and made a final settlement of the whole catalogue of cases of conscience both national and individual. But there is scarcely an approximation to such a result; contentions and wars have never been able to effect this great object, and never will be. There is something in the very nature of strife unfavorable to the perception of truth, and of course unfavorable to the claims of justice. It tends to exaggerate the interests of the respective antagonists, and to diminish those of their opponents, and in other ways essentially to mislead and perplex the moral judgment. The only method of terminating these evils is by availing ourselves of the lights of experience, and by amicable discussion.

I,——In regard to the difficulties, which are now the subject of remark, it does not appear, in the FIRST place, how a belligerent can enter a neutral vessel, and take either articles of contraband, or even their own property and subjects, *as a matter of absolute and paramount right*. The belligerent may have a species of right, but it is not precedent and paramount to that of others. The rights and claims of the neutral, to say the least, stand on as

good footing as those of the hostile parties; and in all cases, where they come in conflict, ought, whether we consider the intentions of nature or the good of the human race, to take the precedence. If there is property or seamen on board the neutral, on which property or seamen the belligerent has an undoubted claim, we may probably admit, that he has a moral right to visit and search the neutral; but it is what civilians call an *imperfect* right; it is not one, which can properly be enforced by violent measures; in other words, it must be exercised in accordance with the consent of the neutral himself previously obtained and given.

II,—In the SECOND place, the neutral is bound in ordinary cases cheerfully to give his consent. If there is a moral right on the part of the belligerent, there is a corresponding moral obligation on the part of the neutral; subject to this limitation, however, that he is the proper judge, whether the circumstances actually existing do, or do not require him to fulfil that obligation. We must regard the neutral, like every body else, as bound to act on the principle of doing to others, as he himself would wish to be done by in similar circumstances. And it is easy to imagine cases, where he would undoubtedly consider the use of the right in question, as desirable in his own behalf, and as justly due to him.

III,—But it is probable, that the difficulties, connected with the right of search, relate as much to the mode of exercising it, as to the right itself. This renders it necesssary, that the whole matter should be permanently settled by treaty regulations. And this is the only way, in which it can be settled, so as entirely to prevent those misunderstandings and collisions, of which it has been the fruitful source. The article on this subject in the treaty of 1785 between America and Prussia, which was framed with a suitable regard to the rights of neu-

trals, and with a desire to prevent misunderstandings, is as follows.——"And to prevent all disorder and violence in such cases, it is stipulated, that when the vessels of the neutral party, sailing without convoy, shall be met by any vessel of war, public or private, of the other party, such vessel of war shall not approach within cannon shot of the said neutral vessel, nor send more than two or three men in their boat on board the same to examine her sea letters or passports. And all persons belonging to any vessel of war, public or private, who shall molest or injure, in any manner whatever, the people, vessels, or effects of the other party, shall be responsible in their persons and property for damages and interest, sufficient security for which shall be given by all commanders of private armed vessels before they are commissioned."

IV,—Furthermore, when neutral vessels are searched by the ships of other nations for the purpose of recovering their fugitive subjects, in order to prevent mistakes and to preclude the unjust abduction of the wrong persons, which has been frequently the case, there ought to be some common measures mutually agreed upon, in the form of a judicial examination and trial. No man ought to be seized on board a neutral ship, and forcibly taken away, under the pretext of his being the subject of a foreign power, without a fair and open opportunity of attempting to show the contrary. If a man's property is threatened to be taken from him, he is shielded by the law and by courts of justice; much more ought it to be so, when his own person is at stake.——If some such pacific measures as these were adopted in connection with the principles, which have been proposed, another fountain of bloody waters would be closed up.

CHAPTER TENTH.

OF PROPERTY IN THE OCEAN.

ANOTHER subject of much practical difficulty, is the ascertainment of property in the ocean, in the grand fishing banks, in navigable bays and lakes, and in rivers flowing between different countries. "Wherever a spirit of commerce, says Ward, has prevailed, the sea has become as much an object of contention as the land."* It is well known, that pretensions have been set up, at various periods, to parts of the ocean, which were inconsistent with natural justice, and were attended with hostile feelings and violence. The Venetians, while they existed as a distinct Republic, claimed the dominion of the Adriatic sea, a portion of the ocean 450 miles in length and 90 in breadth, although their own possessions were limited almost exclusively to the bottom of the Adriatic, and a great part of the lands on both sides were under other governments. This extraordinary claim was not merely nominal. In the year 1265, when Tepolo was Doge of Venice, a permanent law was made by the republic, imposing a tax on all vessels trading in the Adriatic; and several barks were ordered to cruise day and night, in order to enforce it. In 1638, a Turkish fleet, having entered without the permission of the Sen-

* Ward's Inquiry into the Foundation of the Law of Nations in Europe, Vol. I, p. 138.

ate of Venice, although they had ports of their own situated on the Adriatic, were attacked by the Venetians, defeated, and several ships sunk. Subsequently a treaty was made between the Sultan and the Republic, by which it was agreed, that it should be lawful for the Venetians to seize by force, if they did not otherwise submit, all Turkish vessels entering the Adriatic without their license, no exception being made in favor of the ports situated upon it, which were under the jurisdiction of the Grand Signior.

For many years the British Government claimed dominion over the seas in the neighborhood of Britain, viz. over the ocean from the western mouth of the English channel to Cape Finisterre in Spain, and thence bounded by an imaginary line running to the sixtieth degree of north latitude and twenty three degrees west from London, and thence by another imaginary line on that parallel of latitude to the coast of Norway, and thence by the shores of Norway, Denmark, Germany, and the Netherlands to the English channel again. Throughout this great extent of ocean, all nations, after the time of Alfred bowed in homage to the flag of England.—They not only rendered homage, but tribute. So late as the reign of Richard II, we meet with a parliamentary enactment, specifying the precise amount to be paid by vessels found navigating within the above mentioned limits. Although these claims are not practically maintained, at least in their original extent, at the present time, it seems nevertheless to be held by British writers, that they are liable to be resumed and enforced, whenever it shall suit the policy of their government, who may accordingly, at some future time, demand passports of leave to sail through the British seas, as was formerly the case. These pretensions of Great Britain were not always peaceably submitted to. The republic of Holland made

a fierce resistance, but found themselves unequal to cope successfully with the immense naval strength of England. Their submission may be found in the following, being the thirteenth article of a treaty concluded in 1653 with Cromwell;—"That the ships and vessels of the said United Provinces, as well men of war as others, meeting in the *British seas* with any of the armed ships of England, shall strike the flag and lower the top-sail, in such manner as the same hath formerly been observed in any times whatsoever."

On the pretensions of the two countries just referred to, Venice and England, it may be profitable to introduce some remarks of Vattel. "The fleets of England, he says, have given room to her kings to claim the empire of the seas which surround that island, even as far as the opposite coasts. Selden relates a solemn act, by which it appears, that, in the time of Edward I, that empire was acknowledged by the greatest part of the maritime nations of Europe, and the republic of the United provinces acknowledged it, in some measure, by the treaty of Breda* in 1667, at least so far as related to the honors of the flag. But solidly to establish a right of such extent, it were necessary to prove very clearly the express or tacit consent of all powers concerned. The French have never agreed to this pretension of England; and in that very treaty of England just mentioned, Louis XIV would not even suffer the channel to be called the English channel or the British Sea. The republic of Venice claims the empire of the Adriatic; and every body knows the ceremony annually performed on that account. In confirmation of this right, we are referred to the examples of Uladislaus, King of Naples, of the emperor Frederic III, and of some of the kings of Hungary, who asked permission of the Venetians for their vessels

*The article in the treaty of 1653 was subsequently copied into that of Breda.

to pass through that sea. That the empire of the Adriatic belongs to the republic to a certain distance from her own coasts, in the places of which she can keep possession, and of which the possession is important to her own safety, appears to me incontestable ; but I doubt very much, whether any power is at present disposed to acknowledge her sovereignty over the whole Adriatic sea. Such pretensions to empire are respected, as long as the nation, that makes them, is able to assert them by force ; but they vanish of course on the decline of her power."*

It is hardly necessary to refer in this connection very particularly to the claims formerly made by the kingdom of Spain to the Pacific Ocean, and by Portugal to the Indian seas. By the laws of the latter country, all persons whatsoever were forbidden to pass to the countries, lands, and seas of *Guinea* and the *Indies*, either upon occasions of war or commerce, or for any other reason whatsoever, without the King of Portugal's special license and authority, under pain of death and confiscation of all effects." The mere statement of claims, so utterly extravagant and ill-founded, was enough to expose them to immediate rejection and contempt ; while those of England and Venice were of a less exceptionable character, and have been more strenuously maintained.

At the present day a species of control is exercised over the Baltic sea, as has been the case for many ages past, by the kingdom of Denmark. No vessel is permitted to pass the sound of Elsinore, a body of water not enclosed by Danish territory but situated between Sweden and Denmark, without paying a toll or tribute. The sum thus raised from the numerous vessels entering and leaving the Baltic, is estimated at about half a million of dollars annually, paid to one of the smallest and weakest powers, that encompass that very impor-

* Vattel's Law of Nations, Bk. I, Ch. 23.

tant sea.—But it is evident, if the Baltic be susceptible of an entire or partial appropriation to any one power to the exclusion of others, or if its vast commerce can be taxed by any one power to the exclusion of others, that Sweden, Russia, and Prussia, which border upon it, may claim to themselves such possession and control, as well as Denmark. If the claims of one country can be rightfully sustained, those of other countries may be expected in due time to present themselves ; and in this state of things the commerce of the whole civilized world would be liable to be at any moment interrupted. But certainly if we consider the great extent of the Baltic sea, and the relations of the people bordering upon it to all other nations, we must conclude, that Providence designed it, not for the possession and control of one country or of a small number merely, but as the common property and the common highway of the world. The situation of the Mediterranean is somewhat similar. England, seated on the rock of Gibralter, can open and shut its entrance at pleasure. But would it be right ?—Would it be consistent with the designs of that benevolent Being, who made both the ocean and the land ? Would the civilized world submit to it without great dissatisfaction ?

In the remarks, that have been made, it is not intended to cast any reflection on the course pursued by the Danes. Undoubtedly they can give reasons for the tax they impose upon the world, independently of a pretended exclusive right to the passage into the Baltic. But the case is one, in its principles and applications, in its past and its prospective history, which is full of interest and difficulty. If Great Britain, or any other great naval power occupied the place of Denmark, all would feel it to be so ; nor are we to suppose, when we recollect the seizure of the whole Danish fleet by a British arma-

ment in 1807, that this is an event altogether impossible. The case is brought forward, because it is one, in which the whole civilized world are concerned, and because in certain supposable contingencies it would involve difficulties, which could not be easily settled.

The remarks, which have been made applicable to the Baltic, are in a good degree applicable to the Black or Euxine sea. The commerce of other nations on that sea has been regulated for many years at the option of the Turkish government; being granted or withheld according as the Turks found it for their interest or pleasure.—Undoubtedly it might be said with much plausibility, that in their peculiar situation the Ottoman government are bound to take measures for their own security and preservation, even to the exclusion of all foreign commerce whatever, by the complete shutting of the Dardanelles; but on no other principle could it be justly done, and even this is obviously liable to such perverse and iniquitous applications, as to render it, as a principle, essentially untenable. Under the influence of an inordinate jealousy, they might pretend the apprehension of danger from all Christian nations, and unjustly regulate their conduct by such false apprehensions.

On this whole subject, the inquiry arises, what ground ought to be taken by the law of nations? We do not say—What ground *is* taken; but what ground *ought* to be taken. We are aware, that we may be reminded here, that the law of nations is built upon custom and precedent. This is true *in part*, but it is equally true, that this portion of the public code stands amenable to, and is liable at all times to be examined and corrected by that higher department of international law, which is founded upon enlightened reason and conscience. We imagine there is but one ground, which can be safely taken; but one position, which will secure

the just rights of all, and at the same time make for the peace of all. It is, that all navigable waters of the ocean whatever are the common property and highway of the whole world beyond low water mark; with the exception, FIRST, of small inlets, bays, roadsteads, and harbors, the jurisdiction of which, on natural and equitable principles, can hardly admit of a dispute; and SECOND, of those shallow places in the ocean, bordering upon particular countries, which can be conveniently set off and held as property, in much the same way as the land is. ——On this plain principle, which is obviously conformable to nature and to common sense, the claims of the British, Venetians, Portuguese, Spaniards, Danes, and Turks, and all other similar pretensions, which it is well known have been a fruitful source of dispute and war, must be set aside at once. At the same time, if a particular country, bordered by a navigable portion of the ocean, incurs expense in rendering such waters more safe and easy of navigation, it would be right, that foreign ships, which avail themselves of these advantages, should pay a part of the expense. If, for instance, frequent buoys and light-houses are found to be necessary, as undoubtedly they are, in the passage of the Cattegat and Elsinore, and can be furnished and kept in order more conveniently by Denmark than any other neighboring power, she ought to be permitted, not on the ground of the exclusive possession of those waters, but on the ground of having incurred expense in rendering them more safe and convenient, to indemnify herself by exacting a toll from vessels passing through.——But it may be said by way of objection, that, by adopting this doctrine, we greatly expose ourselves to hostile attacks. If this be true, it is a mere incidental and contingent evil, such as all general principles are liable to. And besides, the adoption of the opposite doctrine, viz., that we can

claim and hold certain portions of the ocean, on the ground of their being convenient for us in the case of a threatened attack, would be to proceed upon the false and discarded principle of Hobbes, that, in all political doctrines, men are to be regarded, as in a state of actual hostility with each other; a principle, which is not only false, but labors under the disadvantage, to use no stronger term, of tending to make men as bad, as it describes them to be. The true view, sustained by the soundest philosophy as well as by common sense, is to regard men as naturally friends to each other; separated sometimes, indeed, by misunderstandings and by private interests; but in the main, strongly inclined to seek each other's society, to sympathize in each other's misfortunes, and to promote each other's good. And if this be true, why should we be reluctant to see their flag floating over the expanse of the ocean, even at our own doors? Why should we let our bosoms glow with an unworthy jealousy, and draw a line of demarcation upon the great highway of the world, which the great Creator, who holds the same relation of preeminence and authority to us as he does to them, never drew, and never meant should be drawn?

CHAPTER ELEVENTH.

OF FISHERIES AND NAVIGABLE RIVERS.

THERE are other important questions, connected with the great fisheries, such as the pearl, herring, and cod fisheries. England formerly exercised the right of excluding other nations, particularly the Dutch in the 17th century, from the herring fishery, to the distance of ten miles from her shores. A few remarks, however, on the cod fishery of Newfoundland, which in some of its aspects is peculiar and striking, will sufficiently illustrate this part of our subject. The Great Bank of Newfoundland, the seat of the largest and most valuable codfishery in the world, is 330 miles in length, and 75 in breadth; the water on it varying its depth from 15 to 60 fathoms. The possession and jurisdiction of this Bank are claimed by England, chiefly on the ground of prior discovery of the island, to which the Bank attaches. And that power has not shown a disposition, except perhaps in the single instance of the United States, to admit a common right in any other nation. If the fishery were exhaustible, and of course apparently destined for the special support and benefit of the inhabitants of the neighboring regions, the exclusive claims of England, to whom the island of Newfoundland belongs, would have the appearance of justice; and perhaps there would be no disposi-

tion to question them. But the simple fact, decisive of this point, is, that millions of this species of fish have been taken on the Great Banks annually during the three past centuries, and yet without any perceptible diminution of their number. The conclusion, therefore, is, that Providence has herein made an offering for the benefit of mankind, which cannot be appropriated to the use of one part to the exclusion of others, without an infringement of those beneficent intentions.—Dr. Paley, in his Moral and Political Philosophy, briefly refers to this subject. He lays down the general principle, that nothing ought to be made exclusive property, which can be conveniently enjoyed in common. After other illustrations, he introduces the instance of a mineral spring, discovered in a piece of ground which is private property.—On the supposition that the spring is copious enough for all the purposes it can be applied to, he would award a suitable compensation to the owner of the field and the discoverer of the spring, but he considers it a matter of doubt, whether any human laws or claims whatever would be justified in prohibiting mankind in general from a use of the water. He then makes the remark, very important and apropos here; "If there be fisheries which are *inexhaustible*, as for aught I know, the codfishery upon the Banks of Newfoundland, and the herring fishery in the British seas are; then all those conventions, by which one or two nations claim to themselves and guarantee to each other, the exclusive enjoyment of those fisheries, are so many encroachments on the general rights of mankind."

Such fisheries, therefore, and the locations of them are, in certain respects at least, to be reckoned among the general rights of mankind. The jurisdiction in the case of the Great Banks, so far as jurisdiction can exist in consistency with the beneficial claims of other nations,

ought to be lodged in the sovereign of the Island, to which the Bank attaches, on account of proximity and the obvious intentions of nature. But on the supposition of the fisheries being inexhaustible, which Paley makes, and which undoubtedly the facts warranted him in making, this jurisdiction can never be exercised so as to deprive others of their rights. Furthermore, if the country, which would naturally exercise jurisdiction over such portions of the ocean, sees that measures can be taken to render the navigation more easy and safe by erecting lighthouses and by other means, it is their duty to have it done. And it would be right in them to exact from the ships of other nations, who resort to the fisheries, a reasonable share of the expense.

There are important rights and benefits, associated with the use of great navigable rivers, which are occupied, in different places in their progress, by different and distinct sovreignties, such as the Scheldt, Rhine, Danube, and St. Lawrence. A similar remark applies to bays, sounds, and lakes, particularly the great lakes of North America. In all these cases we are to consult the principles of Natural law; we are to consider carefully the intentions of nature; we are to interrogate those marks of design, which the great Author of nature has in various ways disclosed. The author of the MARE CLAUSUM, the great British authority in support of British pretensions, could no doubt give us a learned Treatise on the FLUVIUS CLAUSUS. The learned ingenuity, which could shut the Baltic, Adriatic, and British seas, would of course find no difficulty in closing the navigation of so inconsiderable a body of water as a river. But a collection of authorities, gathered from barbarous ages and barbarous countries, however they may display the learning and ingenuity of their collector, can certainly have but little weight in these latter days, when set in opposition to the

radiant signatures of justice. If there is any principle, which bears the stamp of common reason, or the indelible impress of the great Creator's approbation, it is, that all navigable rivers, through whatever different countries and conflicting jurisdictions they may pass, are the common property, so far as the use of their waters for the purposes of navigation is concerned, of all that occupy their banks. Against this principle, which takes deep root in the heart of the great mass of mankind, prescription and authority will have no weight. They will have no weight, because they do not deserve to have any. It is the voice of nature and of the God of nature, that every such river, like the beams of the sun and the free air of heaven, shall be open and undisturbed to the use of all who inhabit it; not merely so far as they happen to occupy its banks, but onward through its whole length, till it mingles with the great high-way of the ocean.

We will propose an illustration, which will make this topic clear to Americans at least.——The upper waters and branches of the Mississippi are inhabited by nearly four millions of Americans; we will suppose the mouth of the river to be occupied by the Spaniards, as it was a few years since, who obstinately refuse to the upper inhabitants a deposit for their goods and an egress into the ocean. Would the Americans, cut off from the rest of the world and suffering under a multitude of privations, consider such a proceedure *right*? Would they need a law-book to teach them, it is *wrong*? Might they not with propriety reply to the learning even of such an authority as Selden, that there is sometimes a wisdom of the heart, which has a preeminence over that of the head? They could no more believe against the evidence within them, than they could believe, that the sun is clothed in darkness against the testimony of their own eyes, when they behold around them all nature bathed in his beams.

But it is unnecessary to speculate upon the feelings, which we may imagine to arise. It is already matter of history. The right to a free navigation of the Mississippi was guaranteed by the treaty of Spain, of 1795; and also the privilege of deposit in the island of New Orleans, it being further provided, that in case of a suspension of the privilege at New Orleans, an equivalent establishment should be assigned at some other place upon the bank of the Mississippi. But very unexpectedly the Spanish Intendant of New Orleans in October 1802 issued a proclamation, prohibiting the citizens of the United States from depositing their merchandize, and without assigning any other suitable place. There was but one opinion, one feeling. The subject immediately came before Congress; and it was very evident from the tone there assumed, that such a proceedure could never be submitted to. Public sentiment demanded an egress into the ocean, right or wrong, treaty or no treaty. Nothing but a favorable turn of circumstances, which brought the whole of Louisiana under American jurisdiction by means of negociation, saved Spain and the United States from a speedy collision and war.*

Such will always, until men are brought more fully under the principles of the Gospel, be the feelings and the results. No logic whatever can convince the nations bordering on the upper parts of great rivers, that they can be rightfully excluded from the ocean. And so far at least, they are correct. They look upon such rivers as, in some important respects, common property to their entrance into the ocean; and will be found determined to act upon that view. There can be no doubt, that in this case the principles they maintain are conformed to

* See on this subject Lyman's Diplomacy, Ch. VII, Vol. I,—Report of the Am. Secretary of State in 1791, &c.

what is right, and to the suggestions and intentions of nature. And it is exceedingly desirable, that they should be sustained fully, powerfully, and unequivocally, by the Law of nations. Those nations, that in the confidence of their maritime and military strength, have committed usurpations on the natural rights of others, will be likely to set themselves in opposition to what they will probably call *innovations* in the established law. But they cannot sustain their pretensions for any length of time against the united sentiment of other nations, when it is aided by the luminous views and sound reasonings of those, to whom Nature has given the intellectual ability of publishing and enforcing her decrees. And this is especially true at the present time; truth and reason possess a power over the conduct of men, which they never had before; injustice and usurpation cannot possibly stand before it.——These suggestions are obviously of importance, in connection with the great cause of Peace, because the origin of multitudes of wars is connected with the previous violation by one of the contending parties of rights, founded on the obvious intentions of nature. The more fully justice is understood, and the more generally the claims of justice are enforced by the pacific methods of discussion and reasoning, the more of peace there will be on the earth.

CHAPTER TWELFTH.

OF A NEUTRAL TRADE NOT OPEN IN TIME OF PEACE.

THERE is another subject of the very highest importance, where there seems to be a great difference of opinion. It is this—"whether it be a part of the law of nations, that a trade, ordinarily shut in time of peace, and opened to neutrals in time of war, on account of the war, is liable, as much as a trade in contraband of war or with a blockaded port, to capture and condemnation?" —The British government answer in the affirmative. They have pronounced, by their instructions to their armed vessels and by their judicial decrees, the trade in question to be in contravention of international law, and legally and justly liable to be condemned. This is a doctrine, however, which cannot be said to have the authority of antiquity in its favor, for no nation whatever seems to have proposed and acted upon it, until the war of 1756.* But since that period, it has been asserted and maintained on grounds concisely these. The doctrine is understood to have reference especially, and perhaps exclusively, to the *colonial* trade. The colonial trade is ordinarily confined to the exclusive use of the mother country, to which the colony belongs; furnishing

* Robinson's Admiralty Rep. Vol. II, p. 186, Lond. Ed. Case of the Immanuel.

the various commodities of its own regions, and taking back those of the parent country in return. On the breaking out of a war, the right of neutrals cannot certainly be admitted as extending further than the carrying on their *customary* trade; that is to say, the trade which they had previously enjoyed in the time of peace. The colonies, according to the ordinary arrangements of the colonial policy, are entirely dependent on the mother country for their supplies, and of course for their existence. It is, therefore, a great object with the belligerent to cut off this trade entirely, as a means of reducing the colonies; but this attempt would be likely to prove fruitless, if the colonial trade, under the heavy pressure of an adverse belligerent action, should be thrown open to neutrals, who were excluded from it in time of peace. Accordingly such neutral trade is forbidden and condemned.—"It is an indubitable right of the belligerent, (says Sir Wm. Scott, speaking of the colonies,) to possess himself of such places, as of any other possession of his enemy. This is his common right, but he has the certain means of carrying such a right into effect, if he has a decided superiority at sea. Such colonies are dependent for their existence as colonies on foreign supplies; if they cannot be supplied and defended, they must fall to the belligerent of course. And if the belligerent chooses to apply his means to such an object, what right has a third party, perfectly neutral, to step in and prevent the execution?" *

But on the other hand, much has been said in opposition to this view. The authorities, which are generally received as the depositories of the law of nations, do not appear to support this doctrine. In the remarks of Grotius on the relations existing between belligerent and

* Case of the Immanuel, p. 199.—See also Life and Writings of Wm. Pinkney, pp. 47, 8, and particularly the Memorial on the Rule of War of 1756.

neutral nations, he begins with limiting the general rights of war against the trade of neutrals to cases of plain and very great necessity. As not inconsistent with that general view, he would admit the right of excluding neutral property from blockaded places, and of confiscating articles evidently contraband. But he is entirely silent, for what reason we do not pretend to say, on the right of interrupting and destroying in war such neutral commerce, as is not open and permitted in time of peace. Puffendorf and Barbeyrac appear to be equally silent, with the unimportant exception, that in a private letter of Puffendorf to Groningius, who had consulted him concerning a proposed treatise on free navigation, he indistinctly alludes to it.* Bynkershoek, an authority subsequent in the order of time, who fully discusses the rights of neutrals in the restrictions upon them during a war among other nations, takes a view, different in some unimportant respects, from that of Grotius ; but in pointing out the restrictions incident to the prosecution of a neutral trade, he no where asserts or intimates the liability of such trade to interruption, merely on the ground of its having been closed to the neutral in time of peace. Vattel and Martens take similar ground with their predecessors, both of them maintaining the general freedom of neutral commerce from interruption excepting in the generally acknowledged cases of carrying enemy's property, of trading with besieged or blockaded places, and supplying the enemy with contraband, or goods having relation to war. Neither of them includes, in their exceptions to the general freedom of neutral commerce, the prohibitory principle of Great Britain in relation to neutral trade not open previous to the commencement of a

* This is the letter, referred to and quoted, though not given at length, by Sir Wm. Scott in the celebrated case of the Swedish convoy.

war.* No authorities are more frequently appealed to, than those which have just been mentioned, on controverted questions of international law, and yet not one of them professes to establish or even to propose the doctrine under consideration; which, however, has been unhesitatingly assumed as established public law by maritime courts, and has been the basis of condemnation to millions of neutral property.

But this doctrine is not only excluded from these authorities and unsupported by them, it finds scarcely more countenance and support in the great body of modern treaties. The public code of nations is erected on the twofold basis of reason and usage; and in ascertaining what usage is, the treaties existing among nations are undoubtedly the readiest and surest help. On examination it is found, that the great mass of treaties sustain the acknowledged authorities on public law, by stipulations favorable to the general freedom of neutral commerce, excepting the cases of contraband, blockade, and the transportation of an enemy's property; but not making an exception in favor of the case in question. There is another remark worthy of notice. With the exception of Great Britain, no other nation seems to have maintained the principle, that the belligerent has a right to interrupt a neutral trade in time of war, which happened not to be permitted in time of peace. If it were otherwise, we should hardly fail to find the evidence of it in the directions given to armed cruizers, in the decisions of maritime courts, and in the immense devastations on neutral commerce. In this matter Great Britain may justly be regarded as standing alone, uncountenanced alike by the

* Grotius, Bk. III, Chs. 1, 17—Vattel, Bk. III, Ch. 7—Martens, Bk. VIII, Ch. 6—See also a learned work, entitled "Examination of the British Doctrine, which subjects to capture a neutral trade not open in time of Peace," where the subject is very minutely and ably discussed.

letter of public law, and by the example of the rest of the civilized world. And yet she steadily maintains the correctness of her position; the DICTA of her maritime courts are made to harmonize with the mysteries of diplomacy; her judges go hand in hand with her counsellors; and in their own language, do themselves consider, and mean that others shall consider their doctrine as the universal law on this great question.

And what, then, is to be said? In this conflict and confusion, who is to determine? And who is to furnish the redress of wrongs, committed against right? Has neutral commerce, which is, or ought be the great portion of the commerce of the world, any adequate protection, sailing, as it does, on the broad ocean, without the possibility of knowing, what public law controls it, and without the ability of ascertaining what jurisdictions, and what liabilities it is itself subject to?

It is, indeed, difficult to answer these questions. If men would come at once upon the broad and elevated ground of the Gospel, which forbids, under any circumstances whatever, the destruction or the injury of man by his fellowman, they would then all be swept away at once. To this great result, to a consummation so devoutly to be desired, we cannot doubt, that the world is making progress; slowly, it is true, but still really so. In the meanwhile, among other usurpations which add to the frequency and miseries of war, let all unite in condemnation of the one under consideration; as flagrant, to say the least, as any that darkens the long list of violations of neutral and pacific rights. It is a doctrine, maintained by Great Britain alone; palliated and supported, as we should expect it would be under the various motives pressing upon them, by the decisions of her maritime courts, and enforced by the thunder of her thousand cannon; but which, beyond the reach of those

powerful influences, never has been received by the world; and such is its obvious outrage of neutral rights, in favor of belligerent purposes, it is to be presumed, it never will be. We may say here, what Vattel has so justly said of the exclusive pretensions of England and Venice to the Adriatic and British seas, "Such pretensions are respected, as long as the nation, that makes them, is able to assert them *by force*; but they vanish of course on the decline of her power."

CHAPTER THIRTEENTH.

THE RIGHT OF ARMED INTERPOSITION OF ONE STATE IN THE DOMESTIC AFFAIRS OF ANOTHER.

By the law of nations, one state may attack another under certain circumstances, when the state thus attacked is *de facto* at peace; but the circumstances must be peculiar, well-defined, and incontrovertible. For instance, such an attack is held to be justifiable, if a neighboring nation, that has already demonstrated its ambitious policy in various ways, suddenly increases its armaments by sea and land, without consenting to give any satisfactory reason of such increase. This right is held to be admissible on the same ground, that it would be right to shoot a supposed highwayman or robber, who should suddenly meet us in a forest, and present a pistol, with-

out our waiting to receive the first fire from him. In other words, the right is justified on the ground of a reasonable regard to our own preservation; and, stated in the most general terms, it amounts to this.—Whenever the internal situation of a nation and its arrangements of whatever kind, are of such an aspect as to render her dangerous to a neighboring nation, the latter, if peaceable means will not probably produce the desired result, may interfere by force of arms.

Now if nations were always governed by unerring foresight and justice, this principle would wear comparatively a very harmless appearance. They would wait with patience; they would carefully scrutinize every circumstance, which seemed to be of doubtful interpretation, and thus secure the approbation of surrounding nations, always prone to jealousy and hostile movements.—But the actual state of things is often very different from this. Too frequently the process of intervention by one nation in the internal concerns of another is prompted by other motives, and prosecuted in a different manner; being attended in its progress and its consummation, with unutterable selfishness on the part of the assailants, and with unmeasurable heartburning and wrath on the part of the assailed.

There is one remarkable peculiarity attending upon this principle; it is capable of an almost indefinite expansion or contraction according to circumstances; it will open and enlarge itself so as to embrace and crush a nation, or contract itself to the microscopic purpose of finding out and devouring some powerless individual. And this trait, which we shall endeavor to illustrate by a few facts, will tend to throw light on the doubtful and injurious character of the whole principle. In illustration of its application to individual cases, we may adduce the abduction and murder of the Duke D'Enghien. The

Duke was residing in the neutral territories of the Elector of Baden; he belonged to the house of Bourbon; but although he commiserated the situation of France, he had no hostile designs. He was violently seized by a force sent by the French government; hurried within the limits of the territory of France, and put to death by night in the ditches of the State-prison of Vincennes. It is not pretended that the measures attending the death of this young prince, who was not only free from crime, but ennobled by many virtues, were consonant with the existing laws of France. It is indeed true, that the final act in the consummation of this tragedy was preceded by a sort of trial; but it had only the *appearance* of legality; and at the present day, no defence of this sanguinary transaction will be set up, except on the broad ground of the Law of nations, and of the very principle of the Law of nations which is before us. In few words, the defence is this. The Bourbons, who had a distinct existence as a party, were formidable and dangerous to France; the Duke of D'Enghien was a Bourbon, beloved and influential, and supposed to be a leader among them; it was, therefore, necessary, on the ground of his being dangerous to France, that he should be kidnapped and shot.

We will now take another case, where the principle exalts its ambition, and instead of striking down an individual aims a blow at a city and a fleet. It is perfectly well understood, that, in the late dreadful wars of Europe, the kingdom of Denmark was desirous of maintaining a strict neutrality. Her position was difficult; but her intentions were honorable. She had placed her naval armaments on a respectable footing; but England, with a recreant spirit of prophecy dishonorable to her greatness and her good name, pretended to foresee danger to herself in the existence of those armaments. Ac-

cordingly, an ambassador was sent to Copenhagen with instructions to demand the delivery of the Danish fleet into the possession of a British Admiral, who was not far distant. This demand was of course indignantly refused, and the consequence was, that Copenhagen was bombarded, and the fleet taken. And all this, so revolting to the natural sentiments of justice, was done in pursuance of the consultations of ministers learned in the Law of nations, and on the ground that the flag of Denmark, strange as it may seem, was dangerous to the mighty power of Great Britain. And now we are almost tempted to ask, what value can be attached to a Law of nations like this, which can be adduced with great gravity and confidence, in support of the murder of individuals, the burning of cities, and the destruction of fleets, not because they have actually committed acts of transgression against us, but because it is within the range of possibility, that such acts may be committed at some future time.—England has loudly and justly condemned the conduct of Bonaparte in the murder of the Duke of D'Enghien ; but she has applied the same principle on a larger scale, with as little benefit and as great dishonor. Bonaparte himself, in his interviews with Mr. Warden, took this view of the subject. He defended his measures on the broad ground that the Bourbons were dangerous to the tranquillity of France, and that some decisive blow was necessary to the prevention of ulterior evils.—"And now tell me, said he, did I do more than adopt the principle of your Government, when it ordered the capture of the Danish fleet, which was thought to threaten mischief to your country?" A question which can receive but one answer, and that dishonorable to both parties alike, even on the most favorable supposition for them, that they were warranted in their measures by the principles of the public code.

But this doctrine of armed and violent intervention can accommodate itself, not only to the case of individuals and cities and fleets, but, when occasion requires, to the more responsible purpose of dismembering kingdoms and overthrowing governments. Let us refer to a recent instance. A few years since, the people of Spain, after their dreadful contest with Napoleon, made a commendable effort to establish their political institutions on a basis more favorable to individual rights and more consonant to the enlightened demands of the age. The king and the people seem to have gone together in the great work of embodying their political principles in the permanent form of a written Constitution, and whether it was well adapted to its object or not, whether it was good or evil in itself, it seemed reasonable that other nations should be satisfied with it, provided the Spaniards were satisfied themselves; the more especially as foreign nations could not be supposed to be in a situation to judge of the peculiar circumstances and wants of that country. It is true, the Cortes of Spain met with difficulty in carrying into full effect the plans, which, in patriotic good faith, they had adopted and promulgated for the benefit of their country. Undoubtedly they were in some instances too hasty; their zeal outran their discretion; and excited by the joyful possession of liberty, they adopted measures which would have been rebuked and rejected by a clearer insight into the perversities of ignorance and the strength of ancient prejudices. Nevertheless the country had a government administered by the king and the Cortes, and which held out, in due time and on suitable experiment, a tolerably fair promise of the regeneration of that degraded and suffering State. It is not to be denied, that there were some internal commotions, and that a strong party had set themselves in opposition to the existing Government; but the circum-

stances do not seem to have been of such an extraordinary nature, as to call for any unauthorized and uncommon measures. It was in this state of things that the French Government, though not supported in it by the wishes of the great body of the French people, thought proper to interfere forcibly. The Spaniards made such resistance as under the circumstances of the case they were able to, but the powerful army of D'Angouleme speedily overcame all obstacles opposed to it, dispersed the Cortes, annulled the Constitution, and restored a despotism, which for centuries had been the fruitful source of dishonor and suffering. It is not necessary to enter into the particulars of this transaction; they are deeply registered in the memories of the present generation; they will have their place in mournful characters on the page of history. Our business is merely to inquire, Whether such an inteference is warranted by the Law of nations? And if it should be said that there are cases where a forcible interference is lawful by the code of nations, as it now stands, still may we not justly maintain that the principle was wickedly and grossly perverted in the instance just referred to? It is certainly a serious and important question, whether a nation may be invaded, her homes despoiled, and the blood of her patriots shed, merely because she has adopted political institutions that are not approved by her neighbors. There is much reason to believe that a forcible interference on such grounds was never contemplated by the right of intervention as laid down in writers on the Law of nations, but is an odious perversion of it. France, Spain, Naples, Prussia, or any other nation may establish a limited, constitutional monarchy, or even a purely republican form of government, and, although it may be a ground of uneasiness to neighboring nations, we cannot possibly conceive what justifiable reason it can furnish

for aggressive violence and bloodshed. Why is it more criminal to establish a monarchy restrained in its action by the people represented in a legislature, than a monarchy without such restraint? Why is it less justifiable to establish a republican form of government than a despotism? And we may add, what is that national independence worth, which does not permit a nation to establish or alter its own internal forms of administration? The right to form a government is involved in the very idea of independence; and the nation, that receives its government from the forcible hand of foreign interposition, are undoubtedly to be regarded as slaves, whatever different pretensions they may make.

There is not only reason to believe, that the right of interposition does not extend to the mere object of establishing or altering a form of government, but there is reason to question also, whether the principle, in its most mitigated form, is not untenable in the view of enlightened reason, and ought not to be wholly expunged. It would seem to be clear, looking at the question as an original and unsettled one, that every independent nation, which has not restricted itself by some previous compact, has a right to extend or diminish the amount of its armaments at pleasure. On the other hand it is equally evident, that other nations, in the view of such increased armament, have a right to take their measures accordingly, and to any extent short of actual hostility. The increased armaments of a neighboring nation would be a just ground of solicitude; but it is questionable, whether they are to be regarded as just grounds of offence. They would justify, (reasoning on the false maxims, which now govern the political intercourse of the world,) a preparation for war, but it is not so clear, that they would justify an actual resort to war without further cause; in a word, without some overt and decided act

of hostility. If this were the position taken in the precepts of public law, instead of the one already referred to, we are persuaded, it would be found favorable to the repose of nations. Nothing obviously can lead to more evil results than the right of resorting to arms on the ground of a presumed or anticipated hostility of other nations. This alledged right, (which is the principle actually established in the existing public law,) is so broad and indefinite, that ambition and intrigue may deduce from it a colorable pretext for any war whatever. In other situations, even those of small consequence, there is hazard in acting on mere suspicion. How unreasonable, then, is it, on such grounds to plunge into the horrors of war, when all the purposes of prudence will be answered by an augmentation of any precautions on our own part, short of actual hostility! And if there still remain any doubts in respect to this course, may we not find a solution of them in history? It is believed, that many of the wars, which have afflicted the world, may justly be attributed to this doubtful principle, originating in a determination on the part of the actual aggressor, which this principle permits nations to entertain, to retaliate on merely suspected and anticipated wrongs. A nation prepares some fifty or an hundred cannon, perhaps merely because it is a matter of convenience, or sends on some indefinite destination a few ships of war, probably to keep the vessels in order and the sailors out of idleness; and this is considered sufficient cause for a grand movement on the part of other nations, the sending of ambassadors, the utterance of rebukes, the note of warlike preparation, the striking of some sudden homeblow, the involving of the world in strife, and thousands of private families in misery. Let nations publish to the world in good faith, that they are determined to pursue a strict course of neutrality and

justice, and they will have but little reason to tremble and throw themselves into an attitude of violence at the changes constantly taking place in the military arrangements of other nations. They have a source of defence, additional to that of mere military preparations, of the very highest value. Saying nothing of the unseen, yet real protection of an overruling Providence, they are entitled to reckon among their means of defence the strong tower of public sentiment, a safeguard, which has hitherto been imperfectly understood, and too little relied on. What is it, that, amid the terrible convulsions of Europe, has preserved the diminutive republics of Cracow and San Marino, when mighty empires have been shaken and scattered around them? By what agency or power, have the peaceful Cantons of Switzerland been able to maintain their integrity and independence, when pressed on every side by standing armies and frowning battlements? It is not their cannon; it is not their soldiers. Their great defence is in the rectitude of their policy, and the favorable sentiment of other nations. They are enshrined in the affections of the world, and are safe. What is the foundation of the respectability and influence and security of the United States? Certainly not her army of six thousand men. It is the policy of Washington, the Proclamation of neutrality, freedom from jealousy of other nations, unfeigned love of justice and peace. It is these, and not embattled columns and "meteor flags," which constitute the corner-stone of her security and the foundation of her fame. Happy would it be, if this policy could become a prevalent one throughout the world, and if nations would plant themselves on their rectitude, and not on their powder magazines, and arm themselves with the shield of faith instead of the protection of military panoply. There is a deplorable want of moral confidence; or rath-

er, applying the sentiment to nations, of political faith founded on political honesty. The nation, that will purify its conscience, will at the same time dissipate its fears; and will feel stronger in its rectitude, than it formerly did in its cannon. The happiness and glory of a State do not depend

> "On high-raised battlement, or labored mound,
> "Thick wall, or moated gate;

but rather on the knowledge of rights, the spirit of justice, and a benevolent and magnanimous temper, which practically recognises the obligation of doing good to others as we desire them to do to ourselves.

PART THIRD.

CONGRESS OF NATIONS.

CHAPTER FIRST.

HISTORICAL NOTICES.

THE proposition has been made by the friends of peace, that there should be a Congress of Nations, composed of delegates from all civilized States, and assembled for the purpose of promoting the great objects of national intercourse and peace. This proposition has met with considerable favor in the United States; and there can be no question, that it is richly deserving of a careful and candid consideration. We propose to give our views on this interesting topic, in the remaining chapters of this Work.

The idea of an International Congress is not altogether new. Henry IV of France conceived the project of forming a closer union of the European States, by means of such a body, which should have the authority to decide and settle all disputes arising among the members of it. At a later period a French writer, by the name of Saint Pierre, renewed the topic. "He was forever, (says Voltaire, who probably had but little sympathy with such a proposition,) insisting on the project of a perpetual peace, and of a sort of Parliament of Europe, which he called the European Diet." Although no permanent body of this kind has ever been formed, still it is worthy of notice, that the nations of Europe have fre-

quently assembled together by means of their diplomatic agents, under such circumstances as to give to these assemblies the appearance and the name of Congresses. The history of European Congresses appears to begin with the diplomatic assemblies, held at the two towns of Munster and Osnabruck; but which, by the agreement of the parties concerned, formed but one Congress. This Congress was first opened in December, 1644, and resulted in the treaty of Westphalia. From this period till 1713 there were no less than ten public Conferences or Congresses, held in different parts of Europe; the Congress of the Pyrenees, the Congress of Breda, which terminated the war between Great Britain on the one side, and the Netherlands, France, and Denmark on the other; the successive Congresses of later periods at Aix-la-Chapelle, at Nimeguen, at Frankfort, at Ryswick, at Oliva, at Radzyn, Altona, and Carlowitz.

The assemblies of this kind subsequently held, between the years of 1713 and 1814, were twenty-two in number; the objects and results of some of which are noticed as follows in the concise account, drawn up in the Encyclopædia Americana.——"(1.) The war of the Spanish succession was ended by the congress at Utrecht, to which France, England, the states-general, Savoy, the emperor, Portugal, Prussia, the pope, Venice, Genoa, the electorates of Mentz, Cologne, Treves, the Palatinate, Saxony, and Bavaria, together with Hanover and Lorraine, sent their plenipotentiaries in January, 1712, after France and Great Britain, in the preliminaries settled Oct. 8, 1711, had drawn the outlines of the peace, and had thus already decided, to a certain degree, the new relations which were to exist between the states. At Utrecht, also, French diplomacy succeeded in breaking the union of the powers interested, by a regulation that each of the allies should give in his demands

separately. The dissensions between them increased when they saw that the negotiations of Great Britain were, for the most part, carried on in secret, and immediately with the court of Versailles. The result was eight separate treaties of peace, which France, Spain, England, Holland, Savoy and Portugal made with each other, between 1713 and 1715, leaving Austria and the empire to themselves. (See Utrecht, Peace of.) Since that time, the British, from their naval and commercial power, have taken the lead among the principal states, and the interest of England has determined the fate of the European system of a *balance of power*, as it is called. (2.) The congress of Baden, in June, 1714, was a mere act of form to change the peace concluded at Rastadt by Eugene and Villars, in the name of the emperor and of France, and which rested upon the peace of Utrecht, into a peace of the empire (drawn up in Latin.) (3.) The congress at Antwerp was also a consequence of the peace of Utrecht. England there mediated between the emperor of Germany and the states-general, and concluded the barrier treaty of Nov. 15, 1715. (4.) The congress at Cambray, in 1722, was held to settle the disputes between the emperor, Spain, Savoy and Parma, with regard to the execution of the peace of Utrecht and the conditions of the quadruple alliance, England and France being mediators. But Philip V of Spain, offended by the rejection of his daughter, who had been betrothed to Louis XV (in April 1725,) recalled his minister from Cambray, and concluded a peace with Austria at Vienna, April 20, 1725, in which he became guarantee for the pragmatic sanction. The defensive alliance, soon after concluded between Austria and Spain, was followed by a counter-alliance between England, France, the United Provinces, Denmark, Sweden, Hesse-Cassel and Wolfenbuttel, formed at Herrnhausen. On the other

hand, Russia, Prussia, and some German States, joined the alliance of Vienna. A general war appeared to be approaching, when Austria, by the temporary suspension of the company of Ostend, and Spain, by the treaty with England at the Pardo, opened the way for a reconciliation. (5.) The congress at Soissons, in June 1728, was convened to effect a similar settlement between Austria, France, England and Spain; but the French minister, cardinal Fleury, succeeded in dividing Spain and Austria, and France, Spain and England formed a treaty of amity and mutual defence, at Seville, in 1729 (to which Holland acceded), in order to give law to Austria. The congress at Soissons was thus dissolved, and injured Austria took up arms. But the guarantee of the pragmatic sanction, which England and Holland undertook, induced the emperor Charles VI, in 1731, to accept the conditions of the treaty of Seville. (6.) The congress at Aix-la Chapelle, in April, 1748, in which France, Austria, England Spain, Sardinia, Holland, Modena and Genoa took part, terminated the war of the Austrian succession by the peace of Aix-la-Chapelle, Oct. 18, 1748. (7.) The seven years' war between England and France was ended without a congress; but Austria, Saxony and Prussia concluded a peace at the congress of Hubertsburg, Feb. 15, 1763, the session having lasted from Dec. 1762. (8.) The congress at Teschen, in March, 1779, decided the dispute with regard to the Bavarian succession, by the mediation of France and Russia, between the contending powers, Austria and Prussia. The elector palatine, the elector of Saxony, and the duke of Deux-Ponts, sent their ministers, but not the elector of Bavaria, whose hereditary succession was the subject of negociation. (9.) Russia and Austria offered their mediation to France and England in the war of the American Revolution. Vienna was proposed for the

place of meeting; but France refused the mediation; and when the Russian and Austrian ministers wished to take part, as mediators, in the congress opened at Paris, in October, 1782, by the ministers of France, Spain, England, Holland and the U. States, the preliminaries of peace were settled without their knowledge, Nov. 30, 1782, and Jan. 20, 1783, also the definitive treaty of Versailles and of Paris, Sept. 3, 1783, and that with Holland, May 20, 1784. (10.) The disputes of Joseph II with the republic of Holland, relating to the opening of the Scheldt, and other subjects, in 1784, induced France to offer its mediation; and a congress was opened at Versailles, Dec. 8 of the same year, by the French minister count Vergennes, and the imperial and Dutch ministers. It ended with the treaty of Fontainebleau, Nov. 8, 1785, by which the barrier treaty of 1715, and the treaty of Vienna, in 1731, were annulled, the boundaries of Flanders restored as they were in 1664, several strips of land yielded up to the emperor, and, as a compensation for his claims a sum of 10,000,000 florins, of which France contributed 4,500,000, to prevent the congress from being dissolved. On the other hand, the Scheldt remained closed, and the emperor gave up the rest of his claims."

It is unnecessary to extend this enumeration. It is sufficient to say, that Congresses, embracing a greater or less number of the States of Europe, have been repeated at short intervals from the last mentioned period down to the present time. Wars have been terminated by them; conflicting jurisdictions have been settled; boundaries have been ascertained; commercial conventions have been formed; and in various ways the interests of friendly intercourse and of peace have been promoted. About the year 1825, a proposition was made by the then Republic of Columbia to the other republics of North and South America, to unite in the formation of an interna-

tional Congress to be assembled at Panama. The proposition excited much interest, both from its novel character and in view of the important results which it might by possibility lead to. It was accepted by the Government of the United States; but owing to the disturbed and revolutionary condition of the South American republics, the assembly met but once, and then only for a short time; and the hopes, which it naturally excited, failed to be realized. During the discussion of this subject in the Congress of the United States, a communication was made, (March 15, 1826,) to the House of Representatives by President Adams, in which the following passages are particularly worthy of being introduced here, as having a close connection with some of the topics, that have already claimed our attention.

"It will be within the recollection of the House, that immediately after the close of the war of our Independence, a measure closely analogous to this Congress of Panama, was adopted by the Congress of our Confederation, and for purposes of precisely the same character. Three commissioners, with plenipotentiary powers, were appointed to negotiate treaties of amity, navigation, and commerce, with all the principal Powers of Europe. They met, and resided for that purpose about one year at Paris; and the only result of their negotiations at that time, was the first treaty between the United States and Prussia—memorable in the diplomatic annals of the world, and precious as a monument of the principles, in relation to commerce and maritime warfare, with which our country entered upon her career as a member of the great family of independent nations. This treaty, prepared in conformity with the instructions of the American Plenipotentiaries, consecrated three fundamental principles of the foreign intercourse which the Congress of that period were desirous of establishing. First, equal

reciprocity, and the mutual stipulation of the privileges of the most favored nation in the commercial exchanges of peace; secondly, the abolition of private war upon the ocean; and, thirdly, restrictions favorable to neutral commerce upon belligerent practices, with regard to contraband of war and blockades. A painful, it may be said a calamitous experience of more than forty years, has demonstrated the deep importance of these same principles, to the peace and prosperity of this nation, and to the welfare of all maritime states, and has illustrated the profound wisdom with which they were assumed as cardinal points of the policy of the Union.

At that time, in the infancy of their political existence, under the influence of those principles of liberty and of right, so congenial to the cause in which they had just fought and triumphed, they were able but to obtain the sanction of one great and philosophical, though absolute, Sovereign, in Europe, to their liberal and enlightened principles. They could obtain no more. Since then, a political hurricane has gone over three-fourths of the civilized portions of the earth, the desolation of which, it may with confidence be expected, is passing away, leaving at least, the American atmosphere purified and refreshed. And now, at this propitious moment, the newborn nations of this hemisphere, assembling by their representatives at the Isthmus between its two Continents, to settle the principles of their future international intercourse with other nations and with us, ask, in this great exigency, for our advice upon those very fundamental maxims, which we, from our cradle, at first proclaimed, and partially succeeded to introduce into the code of national law.

Without recurring to that total prostration of all neutral and commercial rights which marked the progress of the late European wars, and which finally involved

the United States in them, and adverting only to our political relation with these American nations, it is observable, that, while in all other respects those relations have been uniformly, and, without exception, of the most friendly and mutually satisfactory character, the only causes of difference and dissension between us and them which ever have arisen, originated in those neverfailing fountains of discord and irritation, discriminations of commercial favor to other nations, licentious privateers, and paper blockades. I cannot, without doing injustice to the Republics of Buenos Ayres and Colombia, forbear to acknowledge the candid and conciliatory spirit with which they have repeatedly yielded to our friendly representations and remonstrances on these subjects; in repealing discriminative laws which operated to our disadvantage, and in revoking the commissions of their privateers: to which Colombia has added the magnanimity of making reparation for unlawful captures by some of her cruisers, and of assenting, in the midst of war, to treaty stipulations favorable to neutral navigation. But the recurrence of these occasions of complaint has rendered the renewal of the discussions which result in the removal of them, necessary; while, in the mean time, injuries are sustained by merchants and other individuals of the United States, which cannot be repaired, and the remedy lingers in overtaking the pernicious operation of the mischief. The settlement of general principles, pervading, with equal efficacy, all the American States, can alone put an end to these evils, and can alone be accomplished at the proposed assembly.

If it be true that the noblest treaty of peace ever mentioned in history is that by which the Carthaginians were bound to abolish the practice of sacrificing their own children, *because it was stipulated in favor of human nature*, I cannot exaggerate to myself the unfading glory

with which these United States will go forth in the memory of future ages, if, by their friendly counsel, by their moral influence, by the power of argument and persuasion alone, they can prevail upon the American Nations at Panama, to stipulate, by general agreement among themselves, and so far as any of them may be concerned, the perpetual abolition of private war upon the ocean. And, if we cannot yet flatter ourselves that this may be accomplished, as advances towards it, the establishment of the principle that the friendly flag shall cover the cargo, the curtailment of contraband of war, and the proscription of fictitious paper blockades, engagements which we may reasonably hope will not prove impracticable, will, if successfully inculcated, redound proportionally to our honor, and drain the fountain of many a future sanguinary war."*

The international bodies, which have hitherto existed under the denomination of Congresses, have differed, in some important respects, from that prospective assembly, to which the attention of the friends of peace has been called. In the FIRST place, they have not been of a permanent character; they have been called into existence in connection with particular emergencies; and have terminated, as soon as the circumstances, which called them into being, would permit. Again, being created for particular occasions, they have generally been limited to a few nations, those which were particularly interested, and have not embraced the great body of European and civilized States. Their influence accordingly has been more limited, than it would otherwise be. Furthermore, they have been, in their design and in their operations, remedial rather than preventive. They have been summoned together, in order to heal the wounds, which have been inflicted, to shut the foun-

* American State Papers, 1825—6.

tains of wretchedness, which war has opened; rather than by antecedent measures to prevent wars taking place. The Congress, which the friends of peace contemplate, differs essentially; it is meant to include every civilized nation; it is designed to be a permanent assembly, in order to meet the cases of misunderstanding and difficulty, which are constantly arising. At the same time, it is not intended to be legislative, but purely diplomatic and consultative; a sort of High Court of reference and advice, employed in forming treaties and conventions, in adjusting on the principles of equity those conflicting claims of its members, which they may see fit to refer to it; and in settling the doubtful principles of the public Code. And in all these measures, its great object, that for which it is primarily and particularly proposed, is the preservation of universal peace. The mere suggestion of the existence of such an assembly is enough to excite interest; that it is one of the things within the range of possibility, cannot be doubted; and the mere possibility, not to say, *probability*, of its being called into existence, cannot fail to call forth thought, discussion, and effort.

CHAPTER SECOND.

OBJECTS OF ATTENTION.

It is undoubtedly the case with some persons, that they do not clearly perceive what objects would occupy the attention of a Congress of Nations. And in order to make them understand the importance of such an assembly, it is necessary to indicate distinctly some of the topics, to which its deliberations would be likely to be called. The idea of a large permanent assembly, supported at the public expense, with no great objects before them requiring their attention, would meet with but little favor. It will be the object of this Chapter briefly to refer to some of those subjects or heads of subjects, which, it is reasonable to suppose, would from time to time receive notice; premising, however, that we do not undertake to give a complete enumeration. Other subjects, connected with some peculiar and unforeseen state of things, would occasionally solicit attention.

I,——Inalienable rights.——There are some rights, which belong to man *as man*; they are inseparable from his nature; they cling to him under all changes of situation, and amid all the diversities of political regulation. Such as the right to personal safety, the right to improve and perfect the powers our Creator has given us, the right to equal and impartial justice, and the rights of con-

science. It is important for the welfare of mankind, that fundamental rights of this description should be understood ; that they should be placed upon clear and irrefragable grounds ; and that they should be announced with the utmost solemnity. This is particularly true of rights of conscience. With all the light and liberty of the nineteenth Century, there is far from being a full, free, and perfect toleration of religious opinions. And all announcements and stipulations in favor of rights of conscience cannot be too highly valued, because they are made in support of the inalienable claims of humanity. Whatever are proper subjects for treaty stipulations would be suitable topics for the deliberations of an International assembly ; and it is well known, that rights of conscience have, in repeated instances, been secured by treaties. And it is worthy of remark, that this view of things was announced to the national Legislature by the President of the United States, as a reason for uniting in the proposed Congress of Panama. The passage, to which we refer, is as follows.——" The Congress of Panama is believed to present a fair occasion for urging upon all the new nations of the South, the just and liberal principles of religious liberty. Not by any interference whatever, in their internal concerns, but by claiming for our citizens, whose occupations or interests may call them to occasional residence in their territories, the inestimable privilege of worshiping their Creator according to the dictates of their own consciences. This privilege, sanctioned by the customary law of nations, and secured by treaty stipulations in numerous national compacts ; secured even to our own citizens in the treaties with Columbia, and with the Federation of Central America, is yet to be obtained in the other South American States and Mexico. Existing prejudices are still struggling against it, which may perhaps be more successfully com-

batted at this general meeting, than at the separate seats of Government of each Republic."

II,——Crimes against humanity.——Among these are infanticide, human sacrifices, the burning of widows on the funeral pile of their husbands, the practice of the torture, excessive and revolting punishments, the slave trade, and other crimes of a like character. The attention of a Congress of Nations ought to be seriously directed to evils of this kind, because they involve the interests of human nature *as such*; they are crimes, in view of which not only civilization, but *humanity* revolts; they are offences, not merely against a local government, but against *all mankind*. It was for a long time the practice in certain provinces of India, for widows at the death of their husbands, to burn themselves on the funeral pile. Although other nations, in a case of this kind, have no right to interfere by violence, it is obviously their duty to interfere, so far as there is a prospect of doing any good, by imparting instruction, and by earnest remonstrances. And if such provinces are under the control of civilized and Christian nations, it is the duty of such nations, to the performance of which they may properly be excited and urged by other Christian States, to terminate the practice in question by express and direct interdictions.

III,——Improvements in the Law of nations.——From what has been said in the Second Part of this Work, it cannot be doubted, that the Law of nations is open to improvements. Nor is it less evident, that a Congress of nations would be a peculiarly suitable body to suggest such improvements, both in consequence of being able to judge of their necessity and of possessing a weight of authority, which would be likely to secure their entire recognition. It is not necessary to enumerate the questions which remain unsettled; some of which

have already been brought before the notice of the reader; nor to indicate the causes, which have contributed to this state of uncertainty. It is enough to know, that they are not likely to be adjusted in the present situation of affairs. A Congress of nations would obviously be in a favorable situation to give them an impartial examination; and the opinions of such a body, whatever they might be, would, in all probability, become the prevalent opinions of the civilized world.

IV,——Commercial Intercourse.——The improvement and expansion of commerce is one of the striking and pleasant features of the present day. The ocean is not divided by marks and boundaries, but furnishes a common highway for all nations. In large commercial cities the men of all countries, and speaking in all languages, constantly meet together, and by their mutual intercourse and transactions vindicate their claim to a common descent, a common relationship. As commerce, in the enlarged sense of the term, exists between nation and nation, and embraces all mankind; as it involves immense interests, which connect themselves often with abstruse and complicated inquiries, it will inevitably present subjects for frequent examination to a Congress of nations. The natural tendency of things, adverse to the freedom and growth of commerce, is the exclusion of foreign articles for the purpose of encouraging home products. It is not easy for any government to resist the claims and calls of its subjects for the protection, which is understood to result from such restrictive measures. But an unhappy result is, that these measures are immediately followed by countervailing enactments on the part of other nations; and if carried very far, they evidently tend to the utter destruction of commerce. Now if nations would come together, in the spirit of amity and with all the facts before them, they could hardly fail to

perceive the ultimate results of restrictions, however necessary they might appear to be on a small scale, and to take measures for the prevention of them. It is certainly to be feared, if nations universally should act upon the principle of refusing the importation of whatever they can produce themselves, which seems to be the prevalent disposition among them, that the interests of commerce, so essential to the happiness of mankind, will speedily and greatly suffer.—Perhaps these suggestions may have the appearance of being visionary, but we venture to say with confidence, that among the multitude of questions, connected with navigation and the interchange of commodities, some at least will be found appropriate subjects of international consultation, and that the examination of them will be attended with beneficial consequences.

V,——NATURALIZATION AND ALLEGIANCE.——The subject of naturalization, with which that of allegiance is closely connected, would be well worthy of the attention of such a body. An Englishman comes to the United States, and after residing a certain time, and passing through some prescribed ceremonies, becomes an American citizen. But it does not appear, (whatever declarations he may in his own person make, that he will yield obedience and homage to no other power,) that the fact of his becoming an American citizen destroys his allegiance to England. "Natural allegiance, says Blackstone, is a debt of gratitude, which cannot be forfeited, cancelled, or altered, by any change of time, place, or circumstances. An Englishman, who removes to France or to China, owes the same allegiance to the king of England there as at home, and twenty years hence as well as now."*——If this principle is good in

* Commentaries, Vol. I. p. 369.

relation to Englishmen, it would be difficult to show, that it is defective in relation to the citizens of other countries; and of course, it will occur to every one, it must in its applications be attended with serious inconveniences, since the man, who is naturalized, is made by it to sustain characters and relations, which seem to be wholly inconsistent with each other.

VI,——CONTRACTS IN RELATION TO DIFFERENT COUNTRIES.——On this topic we will merely make an extract from the Treatise of Judge Story, on the Conflict of Laws; a Work, which one would judge to be almost expressly written for the purpose of showing the importance of a Congress of nations.——"A few simple cases will sufficiently illustrate the importance of some international principles in matters of mere private right and duty. Suppose a contract, valid by the laws of the country, where it is made, is sought to be enforced in another country, where such a contract is positively prohibited by its laws; or, *vice versa*, suppose a contract, invalid by the laws of the country, where it is made, but valid by that of the country, where it is sought to be enforced; it is plain, that unless some uniform rules are adopted to govern such cases, (which are not uncommon,) the grossest inequalities will arise in the administration of justice between the subjects of the different countries in regard to such contracts. Again; by the laws of some countries marriage cannot be contracted until the parties arrive at twenty-one years of age; in other countries not until they arrive at the age of twenty-five years. Suppose a marriage to be contracted between two persons in the same country, both of whom are over twenty-one years but less than twenty-five, and one of them is a subject of the latter country. Is such a marriage valid, or not? If valid in the country, where it is celebrated, is it valid also in the other country? Or

the question may be propounded in a still more general form, Is a marriage, valid between the parties in the place, where it is solemnized, equally valid in all other countries? Or is it obligatory only as a local regulation, and to be treated every where else as a mere nullity ?"*

VII,——MAJORITY, EVIDENCE, AND LAW OF DOMICIL. ——At what period a man is to be regarded as old enough to act for himself, and to make valid contracts, is not decided by nature, but by express legislation, or by the customary law of different countries. In the United States a man is legally of age at twenty-one; but in France he is not regarded as of age until twenty-five. Consequently if an American, twenty-one years of age, and resident in the United States, should purchase goods in France, the contract would be binding upon him. On the contrary, a Frenchman of the same age, domiciled in France, who should order a like purchase in the United States, "would not be bound by his contract, for he would be deemed incapable of making such a contract."† This single fact will illustrate what we mean.

The Law of nations, or perhaps more properly the practice of nations, is unsettled also, in relation to the subject of Evidence and proofs. If a contract, or any instrument or act involving the nature of a contract, is made in France or the Netherlands, but is to be carried into effect by a course of judicial proceedings in America, in what way is such instrument or act to be proved? Is it sufficient to authenticate it by the process of France and Holland, and the evidence which is considered sufficient there? Or is it necessary in the authentication of it to conform strictly to the ceremonies and the evidence, which are required in the United States?——"Various cases may be put to illustrate these questions. A contract or other instrument is executed and recorded be-

* Story's Conflict of Laws, Ch. I, § 5. †Ch. IV, § 66.

fore a Notary Public in a foreign country, in which by law a copy of the contract or other instrument certified by him is sufficient to establish its existence and genuineness; would that certificate be admissible in the courts of common law of England or America to establish the same facts? Again; persons who are interested, and even parties in the suit are in some foreign countries admissible witnesses to prove contracts, instruments, and other acts, material to the merits of the suit; would they be admissible as witnesses in suits brought in the course of common law in England and America to prove the like facts in relation to contracts, instruments, or other acts made or done in such foreign countries material to the suit? These are questions more easily put than answered."*

On the subject of Domicil and of the rights and duties connected with domicil, the doctrines and practices of different countries are at variance with each other. What constitutes a domicil—whether the rights and obligations, which attach to a person in connection with his domicil, are to be recognized and respected in all other places—the application of the doctrine of domicil to the marriage relation, particularly in its bearing upon the matters of property and divorce—the connection of the doctrine of domicil with the testamentary disposition of property at death—these are some of the important topics, on which different opinions have been expressed, and different practices have been adopted. Certainly on some of the subjects, which have been introduced under this head, there would be ample opportunity for the exercise of that high degree of wisdom, which we might suppose to be assembled in a Congress of Nations.

VIII,——RETALIATION IN WAR.——If war is less horrid in its results than it was once, there still remain features

* Story's Conflict of Laws, Ch. XVII, § 630.

hardly less atrocious than those, which have been expunged from it. One is the assumed right of retaliation. ——The instances of cruelty, which have originated in connection with this alledged right, are exceedingly numerous, and of the most affecting character. Facts will best show what we mean. In the Spanish civil war now in progress, Zumalacarreguy defeated at the battle of Los Compos de Larion a division of Rodil's army under the command of General Carandolet. Among the prisoners taken by the Carlists were the Conde de Villa Manuel, a grandee of Spain, and several officers of rank. Zumalacarreguy, who has not the reputation of being a blood thirsty ruffian, immediately despatched a courier to Rodil, informing him of these officers and noblemen being in custody, and offering to exchange them for several officers of his own, who had been taken previously in Biscay and Guipuscoa. In the meantime the prisoners shared the table of their captor, and were treated with all the respect due to their rank. In two days the courier returned, and found the General seated with his prisoners at his mess, over a *puchero*. Rodil's letter was instantly opened, and contained the following laconic reply: "The officers you require, I have already shot." The fate of the unfortunate nobleman and his officers is soon told. "Gentlemen," said Zumalacarreguy, throwing the letter to them, "I am sorry it is so, but there is no alternative. Blood for blood! Send for the confessor, for you have but a few minutes to live!" And, in effect, they were dragged from the very table at which they had been seated together, and shot in the court yard!"*

Take another instance still more atrocious, which has already been referred to. In the revolutionary war of the Netherlands, which terminated in their independence, the Spaniards repeatedly threw the Dutch priso-

* The Calumet, Vol. II, No. 4.

ners, whom they had taken and detained on board their ships, into the ocean. The Dutch, having at a certain time taken a considerable number of Spanish prisoners, tied five companies of them together in pairs, and in retaliation of the cruelties of the Spaniards threw them, on a given signal, alive into the sea.

When Bonaparte was carrying on the war in Egypt and Syria, he sent a messenger to Jaffa for the purpose of demanding the surrender of that place. The messenger was beheaded by order of the governor. Among the prisoners subsequently taken at Jaffa were found a part of the garrison of El Arish, who had been taken once before, and had pledged themselves not to serve against the French. These transactions were the grounds of great offence ; and on the principle of retaliation Bonaparte ordered two thousand prisoners who had fallen into his power, to be escorted out to the sand-hills to the south-east of Jaffa, and to be put to death in cold blood. "The execution lasted a considerable time, and the wounded, as in the *fusillades* of the Revolution, were despatched with the bayonet. Their bodies were heaped together, and formed a pyramid which is still visible, consisting now of human bones, as originally of bloody corpses."*

In the course of the dreadful civil wars in South America there were similar instances ; and they are to be found more or less frequently, in all periods of history. If wars are to exist and to be carried on in future, can it be too much to expect, that improvements will continue to be made in the principles and modes of their prosecution, and that this repulsive and cruel feature, which is equally repugnant to reason and humanity, will be removed ? Certain it is, that no subject could be more worthy of the prompt and effectual attention of the as-

* Scott's Life of Napoleon, Vol. I, Chap. 29.

sembled wisdom of civilized and Christian nations.

IX,——Measures for the relief of suffering nations.——There can be no question, that nations are bound to assist each other, in cases of want and suffering, so far as they are able to do it, consistently with their own preservation. This duty has always been admitted in theory, and has also been acknowledged in some instances by the more decisive testimony of being put in practice; but it has not, in general, been carried into effect so promptly and efficiently, as it ought to have been. It is but a few years since, that hundreds of thousands in Greece were in a state of starvation; still more recently the inhabitants of the Cape De Verd islands were in the same situation; in both instances the cry of distress was heard and reechoed through every part of the civilized world; but the assistance, which was furnished and for which there has not often been a more urgent call, was rendered chiefly, if not exclusively, by individuals. It is undoubtedly proper and commendable for individuals to act in such cases; but it seems highly suitable, whether we consider the magnitude of the object or the relations of one political community to another, that the greater and more effective ability of nations should be put in requisition. And measures to this end, such as would render prompt and ample assistance in all cases of great national suffering brought about by unavoidable causes, would be properly set on foot and perfected by an International assembly.

X,——Interpretation of treaties.——Writers on the Law of nations have laid down various principles, applicable to the interpretation of treaties, and in so doing they have contributed to the great cause of justice and humanity. But it was not within the reach of any ordinary foresight to anticipate distinctly all the possible circumstances of their application. Cases may be ex-

pected to occur in time to come, as they always have occurred in time past, where the stipulations of treaties are of such a nature as to leave it entirely doubtful what course the parties are bound to pursue. None of the principles, which are established in the public law, will meet them. Under such circumstances it is highly desirable, that there should be some established body, possessing the confidence of all parties, to which an appeal can be made. Such a body would be an assembly composed of the most distinguished men of various nations, a majority of whom could not be supposed to be influenced by views, inconsistent with entire justice.

XI,——MILITARY REGULATIONS IN TIME OF PEACE.—— Expensive fortresses are maintained, immense armies are kept on foot, and numerous fleets are supported even in time of peace, merely because such fleets, armies and navies are maintained by the surrounding nations. It seems to be an established maxim, whether a just one or not we will not here undertake to say, that no nation in Europe can greatly reduce its military establishment without incurring danger from other nations. The excessive expense, therefore, attending these establishments must be perpetually incurred, and the people be burdened and distressed by taxation, unless the nations in the neighborhood of each other can be brought into the measure of a simultaneous reduction. But this measure which so nearly concerns all civilized nations, both the governments and the people, is very difficult to be effected. No nation is willing to take the first step in any considerable reduction of military force, without a full assurance that the surrounding nations will take the same step; and such an assurance seems necessarily to imply a meeting of the nations concerned, and a mutual consultation. It was probably in consequence of his conviction of the embarrassments and miseries at-

tending large military establishments, that Henry IV of France, proposed, about the year 1610, the plan, which has already been spoken of, for preventing the recurrence of wars in Europe. His plan was to constitute, by means of an European Congress, a sort of pacific and confederated European commonwealth. He proposed, that delegates should be appointed by the several European nations, and that these, when assembled together, should act as a court of inquiry and arbitration in any controversies, that might from time to time arise among the States, by whom they were commissioned. If this wise and benevolent plan had gone into effect at the time of its proposal, how many millions of money would have been saved—how many lives would have been prolonged—how many tears would have been spared. The immense sums, applied to the slaughter of the human race, would have been expended in the culture of the earth, in purposes of commerce, in feeding the hungry, and clothing the naked, and healing the sick, and in various ways diminishing the aggregate of misery and increasing the sum of happiness.

XII,——THE ENTIRE AND PERMANENT EXTINCTION OF WAR.——This is the great object, for which such a body ought to be assembled. Wars must end. They commonly arise from such trivial causes; they are so at variance with the benevolent and just elements of man's nature; they strike so deep at the root of human happiness; they are so obviously opposed to the spirit and the letter of the Gospel; that religion and benevolence and the common sympathies and wants of humanity all cry aloud for their permanent termination. The progress of civilization will do much towards this end; the diffusion of Christianity will do more; but there is reason to fear they will come short of this great object, unless their beneficent influences are brought together and concen-

trated in the authoritative voice of some august International assembly. If this were the only object, which could properly be brought before a Congress of nations, or which would be worthy of their attention, it is so transcendently great in itself and in its connections, that it would alone fully justify the formation of such an assembly.

These are some of the topics, which might be expected to come before the august body, which is proposed to be formed. There are a few others, which seem to require a more particular notice. We shall not, however, undertake to present a complete enumeration; but one thing may be regarded as certain, that, if they should assemble in the true spirit of their vocation, if they should have a heart as feelingly alive to the interests and claims of mankind, as they would undoubtedly have a head clear and able in the perception of them, there can be no doubt they would find enough to do.

CHAPTER THIRD.

WEIGHTS AND MEASURES.

Among the subjects, which the advice and decisions of the proposed Congress might be expected to reach with some favorable results, may be included that of Weights and Measures. This is a subject, which is so closely connected with the progress and happiness of the human race, and is at the same time so little understood, that we shall bestow a little more time upon it, than was allotted to the slightly noticed topics of the preceding chapter.——It is really appalling to notice the diversity which exists throughout the world, in the measures of weight and quantity. The system of England is different from that of France; and that of France is different from the system of Holland; and almost every country, however allied it may be by commerce to other countries, has its own system, its own practices. And it is sometimes difficult with all the pains that can be taken to estimate, as compared with each other, the weights and measures of different countries. We do not presume to assert, that any thing could be effectually done by a Congress towards securing a general uniformity in this thing, but they would certainly be in a situation, to estimate the practicability of such a movement, to make propositions in relation to it, and give advice. Favour-

ably situated to collect information as to the standards of weight and measure in use in various countries, and to ascertain their relation to each other, they would of course be in a situation to form an estimate of their comparative merits. And from learning the results of practical legislation, in particular countries, they would fully understand not only the greatness of the evils to be corrected, but the obstacles, which stand in the way of such correction. And such information would be found the more important, because hasty innovations in this matter, necessarily extending to the transactions of every family in the community, would be likely to be attended with the very greatest inconveniences.

Different countries have at different times, consulted and legislated on this subject. For more than seventy years, it has received, at short intervals, the attention of the English Parliament, with the design of instituting a permanent system for themselves and their dependencies, founded on scientific principles, and with the laudable hope, undoubtedly, of its being ultimately adopted by other nations ; but after all the inquiries and experiments, which they have been able to make, they have not felt at liberty to venture on any decisive acts. So late as May 1821, the Report of a select Committee, appointed to consider several Reports, which had previously been laid before the House of Commons, discountenanced a departure from the standards already established in Great Britain for the purpose of conforming them to those of other nations ; and merely advised bringing in a Bill, the principal object of which was to secure an uniformity in the standards of length, capacity, and weight in Scotland, England and Ireland, and in the colonies and dependencies of the empire, among all of which the greatest diversity had previously prevailed.

During the past fifty years the Congress of the United

States has had, at various times, the same subject under consideration ; but satisfied as they were of the inconveniences of existing systems and of the desirableness of uniformity among all commercial nations, they have taken no measures ; and as their commercial connections are chiefly with Great Britain and her dependencies, they will undoubtedly choose to wait for her movements. The wisdom of this policy is perhaps unquestionable. The United States received the standards of their weights and measures from England ; the standards at the English exchequer are the same now as at the first settlement of this country ; and it is worthy of notice, that in the Report to the House of Commons just now referred to, the Committee recommend the sending of copies of the standards in the exchequer to the United States, in the confident hope of their being adopted here, and thus securing the great object of uniformity, as far as these two commercial communities are concerned. A learned Report, made a few years since to the Congress of the United States, came to the conclusion, that any change in our system would be inexpedient at the present time, and among other prominent reasons, for the following ; "That no change whatever of the system could be adopted, without losing the greatest of all the elements of uniformity, that referring to persons using the same system. This uniformity we now possess in common with the whole British nation ; the nation, with which, of all the nations of the earth we have the most of that intercourse which requires the constant use of weights and measures."* Great Britain, therefore, and the United States may be considered as going together on this subject, or rather as remaining where they are, until further inquiries shall have satisfied them, what new measures can be taken with safety.

* Report upon Weights and Measures by John Q. Adams, in obedience to a Resolution of the Senate of the 3d of March, 1817.

The kingdom of France had suffered from a want of uniformity in weights and measures within her own limits; and on the first of August 1793, the National Convention, animated with the hopes of correcting the evils and inconveniences of the previous state of things, resolved to adopt an uniform system; and in conformity to this resolution, a new system was established by law in 1795. Although prepared for the immediate use of France, its authors evidently took into view the wants of other nations, and desired and anticipated its universal adoption. The Committee of public instruction spoke of it as being placed on a basis immutable as nature herself, as a plan ardently desired by the enlightened friends of humanity, and as worthy of being offered to all other nations, as well as France. The French system was founded on the principle, that all weights and measures should be reduced to one uniform standard of linear measure; and that this standard should be an aliquot part of the circumference of the globe. The unit of linear measure, to which as a standard they proposed to refer all others, is the ten millionth part of the quadrant of the meridian, extending from the equator to the pole. This is called the *metre*, being about 39 1-3 English inches. A cube, whose side is one tenth of a metre, forms the unit of measures of capacity; it is equal to about 2 1-8 English pints, and is called the *litre*. With such beginnings a plan was ultimately matured, and verified by scientific observations, which, in the theory at least, seemed to have a decided advantage over all others, especially as it was expressed by a simple and significant nomenclature.

But the French system, though generally understood to possess in many respects decided advantages, has not come into use beyond the limits of France, except perhaps to a very small extent; and the civilized world still

continue exposed to many frauds and a great deal of useless labor in consequence of the want of a well established and uniform arrangement, which, in its outlines at least, should be understood and practised upon by all nations.—Great Britain and the United States, with a characteristic caution, have not ventured upon any very decisive measures even in respect to their own dominions, still less with reference to foreign countries; and the system of France, which necessarily encountered popular prejudice as well as national jealousy, has as yet exerted but litle influence beyond the limits of French territory. So that the undeniable evils, resulting from the want of an uniform system of weights and measures, still remain; nor is there any prospect, that they will be remedied, except by the mutual and long-continued consultation of nations. On this ground, therefore, we assert it will be found a subject deserving the attention of a Congress of nations, whenever nations can be induced to meet together for the purpose of friendly and peaceable discussion. And as we have from time to time fortified the opinions, that have been hazarded, by an appeal to the authority of men well known to the public, and high in public estimation, we shall here introduce to the notice of the reader an extract from Mr. Adams' Report to the American Congress, which goes to show the importance of the subject and the measures proposed to be taken.

"The plan, which is thus, in obedience to the injunction of both houses of Congress, submitted to their consideration, consists of two parts, the principles of which may be stated: 1. To fix the standard, with the partial uniformity of which it is susceptible for the present, excluding all innovation.—2. *To consult with foreign nations, for the future and ultimate establishment of universal and permanent uniformity.* * * * *

"The two parts of the plan submitted are presented distinctly from each other, to the end that either of them, should it separately obtain the concurrence of Congress, may be separately carried into execution. In relation to weights and measures throughout the Union, we possess already so near an approximation to uniformity of law, that little more is required of Congress for fixing the standard than to provide for the uniformity of fact, by procuring and distributing to the executives of the States and Territories positive national standards conformable to the law. If there be one conclusion more clear than another, deducible from all the history of mankind, it is the danger of hasty and inconsiderate legislation upon weights and measures. From this conviction, the result of all inquiry is, that, while all the existing systems of metrology are very imperfect, and susceptible of improvements involving in no small degree the virtue and happiness of future ages; while the impression of this truth is profoundly and almost universally felt by the wise and the powerful of the most enlightened nations of the globe; while the spirit of improvement is operating with an ardor, perseverance and zeal, honorable to the human character, it is yet certain, that, for the successful termination of all these labors, and the final accomplishment of the glorious object, permanent and universal uniformity, legislation is not alone competent. A concurrence of will is indispensable to give efficacy to the precepts of power. All trifling and partial attempts of change in our existing system, it is hoped, will still be steadily discountenanced and rejected by Congress; not only as unworthy of the high and solemn importance of the subject, but as impracticable to the purpose, and as inevitably tending to the reverse, to increased diversity, to inextricable confusion. Uniformity of weights and measures, permanent, universal uniformity, adapted to

the nature of things, to the physical organization and the moral improvement of man, *would be a blessing of such transcendent magnitude, that, if there existed upon earth a combination of power and will, adequate to accomplish the result by the energy of a single act, the being who should exercise it would be among the greatest benefactors of the human race.* But this stage of human perfectibility is yet far remote. The glory of the first attempt belongs to France. France first surveyed the subject of weights and measures in all its extent and all its compass.—France first beheld it as involving the interests, the comforts, and the morals of all nations and of all after ages. In forming her system, she acted as the representative of the whole human race, present and to come. She has established it by law within her own territories ; and she has offered it as a benefaction to the acceptance of all other nations.—That it is worthy of their acceptance, is believed to be beyond a question. But *opinion* is the queen of the world ; and the final prevalence of this system beyond the boundaries of France's power must await the time, when the example of its benefits, long and practically enjoyed, shall acquire that ascendency over the opinions of other nations, which gives motion to the springs and direction to the wheels of power."

CHAPTER FOURTH.

THE SLAVE TRADE.

THERE is another important subject, which would properly come before an international Congress, that of the Slave Trade. If there is any discussion, in which the whole human race could properly be concerned, it is in relation to this insufferable traffic. Nothing can be more humiliating to human nature, or more offensive in the sight of a just God than the fact, that multitudes of our fellow beings are, from year to year, causelessly and violently torn away from their homes and friends, and consigned to hopeless servitude in foreign lands. In order to have a correct view of the abominations of the Slave Trade, every man should apply the facts to himself and to his own case. Our views and feelings are apt to be limited by the narrow circle of our own personal interests; and the most aggravated evils, when they do not have a direct connection with ourselves but are remote from us, appear exceedingly diminished and almost harmless. But let us ask, what sum of money would compensate for the laceration of feeling and the unspeakable wretchedness of that parent among ourselves, who should behold his beloved children seized and carried off by a band of robbers. Look round upon your own family, and put the question to your own heart; and then

say, whether the cruel treatment of African fathers and African children is a trifling concern.

Many years since the miseries of Africa, connected with the slave trade and resulting from it, arrested the attention of philanthropists in various parts of the world. A number of excellent men, respected alike for their talents and their high moral character, long ago raised their voice against this tremendous evil, this concentrated essence of sin and wretchedness. The generous and enlightened men who have been referred to, are not to be blamed, if the results have not corresponded to their wishes. It is true, that the traffic has been prohibited by the Legislatures of England, France, and the United States; and various treaties have been formed with the same general object in view. But it has been found to avail almost absolutely nothing, that some nations have taken these just measures, and have even denounced the traffic as piracy, while others have continued to prosecute it. Instead of being entirely suppressed, as it ought to have been years ago, this odious and cruel trade is still openly carried on, and is not even essentially diminished.—Even to this day the peaceful villages of Africa are devastated; husbands and wives, parents and children, with a love towards each other as warm and pure as thrills in the breast of any European, are separated from each other's arms forever. In the year 1822 there were shipped from Africa for the single city of Rio Janeiro 31,240 negroes; and for the city of Bahia more than 8000, swelling the Brazilian trade alone to the heart sickening aggregate of about 40,000 persons, cruelly and treacherously torn from their homes and families, and doomed to a life of toilsome and hopeless servitude. In 1823 the number of persons, thus introduced into the Brazilian ports, was nearly the same; certainly not less. In the first six months of the year 1824, the number of

slaves brought into the port of Rio Janeiro was 16,563.* By a recent official report from the same city, it appears, that the number of slaves imported into it in 1826 was 35,966, and that the number imported in 1827 was 41,384. † According to a statement in the recent travels of Dr. Walsh in Brazil, the number imported in 1828 was 45,000.—Slave factories were not long since established in the immediate vicinity of the American colony of Liberia; and at the Gallinas (between Liberia and Sierra Leone) not less than 900 slaves were shipped in the summer of 1830 in the short space of three weeks. It appears from the statements of the Colonial Agent of Liberia, that, in the year 1834, the coast of Western Africa was swarming with slave traders. In December of that year a Spanish brig of three hundred tons, the Formidable, was captured off the mouth of the old Calabar river, which had on board *seven hundred slaves*.‡ It is not easy to state with perfect precision, but the average number of enslaved Africans, violently torn away each year from their native country, may be estimated with much probability at not less than 75,000. Many persons, who have been favorably situated to form a correct estimate, have placed the number as high as an 100,000.

But the dreadful atrocity of these transactions is not to be found in the number of enslaved persons alone; it is not less conspicuous in the treatment of them; in their want of clothing, in the wretched quality of their bread, in the putrid water they are compelled to drink, and the close and corrupted air they breathe. It shocks humanity to add, that the wretched slaves have, in a number of instances, been thrown overboard alive, as if they were mere ballast, and not our brethren, bone of our bone and

* See statements in the Edinburg Review, Vol. XLI.

† African Repository, Aug. 1828, April and July 1835.—— See also the 18th Annual Rep. of the Am. Colon. Society.

flesh of our flesh. In 1819 the French slave ship, the Rodeur, threw overboard thirty nine negroes, who had become blind during the voyage, and were for that reason unsaleable. Not long since, as appears from a report of the African Institution, the slave ship La Perle, having landed part of a cargo of 250 slaves at Guadaloupe, was pursued by an armed French Cutter ; and to avoid detection threw the remainder, sixty-five, overboard, and they were all drowned. So recently as the latter part of the year 1831, if we may credit uncontradicted accounts circulated generally in the newspapers, the same dreadful crime was repeated to a still greater extent. The two tenders of the English frigate Dryad gave chase to two slave vessels apparently deeply laden ; but the slavers, exerting themselves to the utmost, were enabled to escape into the river Bonny, and to disembark 600 slaves, before the tenders could come up to take possession of them. They found on board only two hundred, but ascertained that the persons in command of the slave vessels had thrown overboard 180 unfortunate victims, manacled together, four only of whom were picked up.—What man can read such accounts, which are susceptible of being authenticated beyond all manner of doubt, without hiding his head in shame and confusion, and even blushing to think himself a man ! What king, what legislator can be found, who will not raise his voice against this horrid wickedness, till it shall reach all lands, all nations ! And yet this traffic, with all its dreadful attendants, has already measured a pilgrimage of more than three hundred years ; it has already consigned to slavery and all the horrors of slavery forty millions of persons ; and still lives and flourishes.

It cannot be doubted, that the arrangements, incident to the practice of the slave trade, would be suitable topics for the discussions of an International Congress, and

that, in view of past experience, such a Congress is the only hopeful means of removing this great evil.—And we may add, that this opinion is by no means a novel one, if we may judge from what has repeatedly taken place in Europe in relation to this very subject. It is well known, that it was discussed by the great powers of Europe assembled in the celebrated Congress of Vienna. Subsequently, in December of 1817, a Conference was held in respect to it at London, by the plenipotentiaries of Austria, France, Great Britain, Russia and Prussia. A subsequent conference was held by the same great powers, at the same place and on the same subject, in February of 1818. At the last named Conference, Lord Castlereagh read a note, in which he stated, among many other things, that the parties, engaged in the trade, had adopted the practice of carrying it on in armed and fast sailing vessels, which menaced with destruction, by their piratical practices, the commerce of all nations on the coast of Africa. He stated further, that the system of obtaining fraudulent papers, and concealing the real ownership was conducted with such address as to render it easy for the subjects of all states to pursue this traffic, so long as it should remain legal to the subjects of any one state; and accordingly the Portuguese slave-trader, when it had become unlawful for him to appear north of the Line, had concealed himself under the Spanish flag; and the American and the British dealer in slaves had in like manner assumed a foreign disguise.—He further gave it as his opinion, that nothing could cope with this abominable traffic, under the then existing state of things, but the vigilant superintendence of an armed and *international police, established under the sanction and by the authority of all civilized states.** The sub-

* See Report of the African Institution and statements in the Christian Observer, 1819; also R. Walsh's Appeal, p. 378.

ject of the Slave Trade was subsequently taken up, and occupied much time and attention in the Congress of Aix-la-Chapelle. But the measures proposed to be taken, were obstructed by the difficulties attending the proposition of a mutual right of search and detention. It appeared that this proposition could not be generally acceded to, but the discussion of it gave rise to a proposal on the part of Russia which is worthy of notice here on account of its approximating on a small scale to the principles and results of a permanent supervisory administration extending to all countries. The proposal was to this effect; for the purpose of suppressing the slave trade, there should be a supreme council constituted, in which all Christian nations should take a part, the seat of which should be a central point on the coast of Africa; That this council should have the control of an adequate maritime force, maintained for the purpose of effecting the great object in view; That there should be a judicial tribunal judging all crimes relating to the slave trade according to the law established by the Supreme Council, by which also the sentences of the judiciary power might be revised; That the Supreme Council and its agents should be allowed the right of visiting and detaining vessels, as one means of fulfilling their great object; And that an account of its administration should be rendered to the Congress or Conference of nations concerned in its establishment.

In view of what has been said, there are a few things, which it is proper briefly to remark.

I,——In order to stop the slave trade entirely, there must be a union and concurrence *of all civilized nations*. The history of the trade has sufficiently shown, that, if one nation holds out in opposition to the measure, the benevolent efforts of other nations will be rendered essentially abortive. When, in accordance with the treaty

of Paris of 1814, the Slave trade was recommenced in France, immediately foreign capital was placed at the disposal of French agents; foreign ships and seamen sailed under the French flag; slaves, that were legally introduced into French colonies, were illegally smuggled into others; and as far as wretched Africa was concerned, it was at once evident, that it would hardly be worse for her, if the trade were thrown open to the whole world. And thus it will always be, while the slave trader is protected by a single national flag. It follows, therefore, in reference to this matter, that there must be a combined action. How such a concurrence of action, to which all nations shall be parties, can be brought about, does not appear, except by means of an international assembly.

II,——In order to stop the slave trade, there must be a pacific and just policy, extending to all the interests and relations of that trade, substituted instead of military and naval force.——The experience of many years has abundantly shown, that the evil is not likely to be soon terminated by violent measures. The number of those, who are transported from Africa, may perhaps be slightly diminished by such measures, but not greatly; while their sufferings are very much increased, in consequence of the counteracting measures, which the slave-dealers are obliged to resort to.

III,——The first measure to be taken, then, in order to secure this great object, would be, by appeals to reason and humanity, to induce each and every nation, represented in the Congress of nations, to abandon the trade in its own behalf and for its own citizens. This could be more easily done by the concurrent influence of many nations united together, than by their separate action. The power of truth and justice is great; and it would be strange indeed, if a nation could long sustain

itself, in the presence of the assembled wisdom of the world, in maintaining the defence of the iniquities of the slave-trade.

IV,——But every one must see, that, even if this measure were effected, it would not necessarily destroy the slave-trade. The temptation to human cupidity may, under certain circumstances, be so great, as to set absolutely at defiance all internal and municipal regulalations. In order to the entire and permanent extinction of the slave-trade, slavery itself must be destroyed. This would necessarily bring before this great assembly one of the greatest questions pertaining to the cause of humanity, viz. whether man can hold property in his fellow-man. And one thing is certain, whatever opinions they might hold on this subject, that the slave trade can never be entirely abolished, until slavery, which is the great source and supporter of it, shall cease.

V,——Nor is this all. The human race owe a great debt to Africa, which enlightened justice and humanity call loudly upon them to pay. The world has been her oppressor, and the world, (at least the civilized and christian world,) are called upon to redress the wrongs they have done her, by sending her letters, the arts, the elements of an improved jurisprudence, enlightened principles of government, and the Christian religion. If nations would put an end to slavery, let them think of this.

And here we have a word further to say. Whether a Congress, composed of all civilized States, shall be assembled or not, and whatever course may be taken in other matters, touching international law and usages, we cannot but hope, that the cause of suffering Africa will not be wholly abandoned, neither by states, nor by individuals. Most earnestly would we implore the attention of all persons to her sufferings, who are in any degree capable of appreciating them. Let the Christian

offer his supplications ; let the statesman weigh well his responsibility to his God and his country ; let the rich devote of their substance, and let the poor boldly speak out their heartfelt testimony, not only to aid in terminating the miseries of Africa, but to gild the return of her better and brighter days by planting civilization, religion, and liberty throughout all her coasts.——We appeal to those especially, who believe in an overruling Providence. Have we not a Father in heaven ? Does he not clothe the lily, and hear the voice of the lions in the wilderness, and feed the young ravens when they cry to him ? Does he not watch the falling sparrow, and number the very hairs of our heads ? And can it be possible, that he has forgotten poor, suffering, insulted Africa ? Every believer in christianity will reject the unworthy thought. Whoever else may have been blind, one eye at least has seen the fires kindled upon her coasts ; whoever else may have been deaf, one ear at least has been open to the heart-rending cries of her children. He has walked abroad on the ocean, and has followed in the track of the slave-ship, and has marked, one by one, his beloved offspring, as they have been thrown alive into the depths of the sea. With all the compassionate tenderness of a father he has marked their despairing countenance, their uplifted hands, their heart-rending exclamations. Filled with indignation, he has cast his searching eye upon great and light-hearted cities ; he has there noted the merchants engaged in this traffic of blood, and the legislators and ministers and kings that have authorized it ; and he has written down their names in the book, inscribed within and without, with sin and mourning, with lamentation and woe. And that Almighty arm, that knows to forgive when it is time to forgive, and knows to destroy when it is time to destroy, is now stretched out over the nations, red with the accumulated wrath of ages.

CHAPTER FIFTH.

INSUFFICIENCY OF PRESENT MODES OF REDRESS.

THERE are some persons, agreeing with us in the belief of existing evils, and that much remains to be done, who nevertheless profess themselves to be satisfied with the means of improvement already in operation. It will be the object of this Chapter briefly to show, that the existing methods of redress, from which they anticipate a gradual but sure and complete remedy of national evils, are not sufficient.

I,——One of the means, to which we now allude, are *treatises on the Law of nations*. Much credit is undoubtedly due to the authors of these treatises. With a commendable regard for the rights and happiness of their fellowmen, they have displayed a great compass of thought, and the rich treasures of learning. The subject itself is one of the highest interest; and the manner of treating it has often corresponded to the dignity and interest of the subject. They have explored the grounds of obligation in man himself; they have gone upward, and have studied the intimations and counsels of his Creator; and have thence deduced principles, applicable to the government both of individuals and of great communities. We venerate the men and their efforts; we cheerfully render them the homage of sincere admiration and grat-

itude; but while we readily admit, that they have done immense good, we can never be persuaded, that they have met in all respects the wants of mankind, or that the results of their labors have corresponded even to their own intentions. Nor could we rationally expect, that it would be otherwise. The subject of international law is too vast to be settled by a single individual, however great his genius and learning. It requires no ordinary degree of foresight and discretion to institute properly a mere municipal code; and there can be no doubt, that the difficulties, attending the establishment of an international one, are far greater. And if the accomplishment of a work so vast were within the compass of any one man's ability, we are still to recollect, that these writers are not left solely to the guidance of their own minds, to the original instinctive sentiment of justice; but are trammelled in their decisions by prescription, by the practice of nations, whose usages have been frequently controlled by the pressure of interest, rather than the dictates of rectitude. But whatever may be the cause, there can be no doubt as to the fact. The expositions, which have already been given in the Second Part of this Work on contested and obscure principles of the public Code, sufficiently show, that these attempts are not commensurate with the object; and that the law of nations, as it is laid down in professed writers on that law, partially fails, at least, to satisfy the doubts, and to control the conduct of nations.

II,——Nor can we rely fully and satisfactorily for an exposition of the law of nations, and for a remedy of the evils hitherto attending the intercourse of nations, *on the decisions of Admiralty Courts.* Their position, considered as the expounders of a law applicable to the citizens of other nations, as well as their own, is in some respects an unfavorable one. Taking it for granted that the

judges of those Courts are in general men of great uprightness and learning, still it would be unreasonable to expect, that they would always escape every bias, incident to their peculiar situation. And even if this were the case, are their decisions always to be held conclusive?——In the celebrated case of the Swedish Convoy, decided in England in June 1799, Sir William Scott makes a declaration to this effect, that though the seat of judicial authority is in England, the law itself has no locality; and that he is under obligation to decide in London, the same as he would do in Stockholm. Allowing due weight to these assertions, it is still abundantly obvious from the general spirit of this celebrated decision, which went to establish the illegality of certain doctrines in relation to neutral rights maintained by Russia, Denmark and Sweden, that he felt too as an Englishman; that he was not insensible, and could not be insensible to the perilous situation of his suffering country; and that these feelings tended to strengthen his confidence in the opinions he asserted, and to enhance his contempt for "those loose doctrines, which modern fancy, under the various denominations of *philanthropy* and *philosophy*, have thrown upon the world."* These last are his own expressions, and when we consider, that they were used as applicable to a principle, which had been recognized by some respectable writers on national law, by the treaties of a number of highly respectable nations, and by an armed neutrality, they are of themselves enough to justify us in what we have intimated of the unfavorable position of an admiralty Judge to a just arbitration on international rights.

We are desirous, however, not to be misunderstood on this subject. We presume, as a general statement, that these courts are incompetent to make the law of

* Robinson's Admiralty Reports, Case of the Maria.

themselves, but we do not deny, that they may throw light on its obscure places. There is an antecedent standard of law and rectitude, which is obligatory on them; but their intimations and reasonings on questions of abstract right, which their situation permits them occasionally to offer, may lay the foundation of future changes. No one hesitates to yield them the credit of great learning and of a prevalent disposition to do strict justice, but it is no heresy to disclaim their infallibility. We do not doubt their honor; but we cannot shut our eyes to the weakness of human nature and the force of contingent circumstances. We recognize in their decisions the voice of their own nation and their own people; but we do not so readily admit their claim to the character of spokesmen and expositors for the whole world. And no one can doubt the possibility of maritime tribunals, with all their ordinary characteristics of learning, honor and justice, being arrayed, not only in opposition to the existing claims and opinions of other nations, but equally in opposition to undoubted law and justice.

As this subject is one of some delicacy, and on which there may undoubtedly be a difference of sentiment, we think it proper to introduce here the opinion of the late William Pinkney, and to support ourselves by such a highly respected authority. "If it shall once be admitted, that an Admiralty sentence *must* be received as just, however it may be in fact, there is no species of depredation, to which neutrals may not be subjected. The memoirs of France and the placarts of Holland may be revived and executed in their utmost rigor without the danger of reprisals; since, if confirmed by Admiralty sentences, their effects are not to be murmured against. Constructive blockades may be set up without limit, for admiralty sentences can legalize them. I do not mean to intimate, that such *would be* the conduct of this or any

other government in particular. It is enough that such *may be*, (although we know that such *has been*,) the conduct of maritime states; and I am at liberty to argue against a principle from its possible pernicious consequences. Heretofore it has been supposed, that this sort of conduct found its only warrant in *physical power*; but the new principle, that Admiralty sentences can justify every thing by an *ex post facto* purification, will, if it shall be adopted, place it upon the basis of *moral right*; or, in other words, it is a contrivance to make the law of nations uphold and justify *the violation of its own rules*. * * * * "A neutral nation has a perfect right to have the claims of its citizens in matters of prize decided according to the law of nations, let the instructions of the government be what they may: but this right never has been and never will be regarded by maritime jurisdictions, whatever we may be told to the contrary. It follows, that the rights of neutrals are often sacrificed; but, being sacrificed by *admiralty sentences*, acting upon the instructions of the government, there can be no remedy for the neutrals, if these sentences, though notoriously founded on instructions at variance with the law of nations, are to be conclusively presumed to be in exact conformity to that law." *

III,——We may add further, that an efficient means of remedying the evils, of which we complain, *is not to be found in treaties*. It is well understood, that treaties have always had great weight in defining and settling the principles of international justice. Martens, in speaking of the positive law of nations, where he has occasion to refer to Puffendorf, Glafey, Vattel and others, states explicitly and expressly, that "these writers made it a study to illustrate their subject by examples and observations taken from the history of modern times; that they

* Pinkney's Opinions before Commissioners acting under the treaty of 1794.

drew their information from *treaties* and other public acts; and that those persons, who, like Leibnitz, had published collections of this sort, had paved the way for them."

It is not pretended that a single treaty is of itself conclusive authority on a controverted doctrine of law; but it furnishes a presumption of what the law is, and it has a degree of weight in defining and ascertaining it, so far as it is unsettled. Considered as the expression of a nation's opinion and wishes, every treaty is entitled to some consideration. But still, when a treaty is appealed to for the purpose of ascertaining what the Law of nations is, it ought to be examined with much caution, because, like the decisions of Admiralty courts, it is in some sense *ex parte*, and is unavoidably exposed to the sinister suspicion of being prompted by views of convenience and interest. But putting the interested views of the authors of treaties out of the question, and inquiring merely for the facts which they present, we shall find that they are far from being concordant in their testimony on matters of international law.—For instance, on the principle of "free ships, free goods," while we find a considerable number of treaties recognizing it, there are others that reject it. "The treaties of Europe, which, (says a writer,)* form so vast a part of the rule which governs the conduct of each of its states, have swelled to such an enormous size in point of number, contain so many various, and sometimes contradictory stipulations, and open a field so immense for discussion, by way of analogy and comparison, that it is not an easy thing to settle what general principle may be collected from them except by a thorough and accurate inspection of the whole." It may be added, that the thorough inspection here spoken of will not always answer the pur-

* Ward on the Rights of Neutral and Belligerent Powers, p. 95.

pose. There will still remain contradictory stipulations, laying the foundation for contradictory and uncertain deductions. Especially, as it is impossible in the examination of treaties, to state precisely at what period we ought to begin; and beyond which the examination shall not be prosecuted.—Accordingly in endeavoring to ascertain from treaties, whether the Law of nations recognized the principle, that free ships shall make free goods, Hubner, extends his inquiry through the last century, while Schlegel carries it back to 1642; but neither of these periods appears to be satisfactory to Ward, who institutes an elaborate examination on the same subject. We do not deny that treaties often repeat and affirm the law already existing, and that they sometimes explain the obscurities and settle the doubts attending it; but we do not find in them that just and pervading and authoritative power of exposition, which the sufferings of mankind and the exigencies of this enlightened age imperatively demand.

IV,——We proceed to remark further, that we do not find an adequate corrective of existing evils in CUSTOM. It is well understood, that many points of International law are settled in this way, viz, by the alleged prevalent and permanent practice of nations. All authorities, that are commonly relied on in these inquiries, assert this. They agree in assuring us, that maxims and customs, consecrated by long use, become binding, and form a portion of the public code. These customs are considered as expressive of the opinions and wishes of the nations, by which they are admitted; but not unfrequently they are difficult to be correctly ascertained; or are limited in their application to a small number of States, or are met and opposed by variant and conflicting customs. And we should naturally expect this, since we find that the customs of nations, when traced back to

their origin, often have their beginning in excited passion or temporary policy. Such being the case, (and it is most certain, that these alleged perplexities are not wholly chimerical,) it is evidently difficult, in many cases, if we refer to custom for the purpose of determining the matter, to tell what ought to be regarded as law, and what should not be.

In view of these facts, therefore, we think we have grounds for the assertion, that the ordinary means of correcting the evils existing in the law of nations are essentially inadequate, and that other means should be sought for. And the question is, where shall we find them?

Writers on national law profess to treat nations as *persons*, and they aver, with a great degree of unanimity, that the principles of justice, applicable to individuals, are also applicable to bodies politic.——If nations are treated as moral persons, it must be on the ground, that they have the character, attributes, and rights of persons; and that there is some analogy between them. But it would be very unwise and unauthorized to treat of the rights of persons without a regard to the circumstances, in which they are placed, and without taking into consideration the relations, which man, by the evident tendencies of his nature, is made to sustain to his brother man. But if persons are not entirely solitary and insulated from all others, having rights which are unreached and unmodified by the rights of their fellows, nations are, in like manner, not solitary and insulated, but are members of one great family, the head of which is the Creator of the world. This we apprehend to be the proper view, viz, that nations, like individuals, are the members of a family; it seems to follow necessarily from the acknowledged propriety of treating them as persons; and it is only by following out this view, and

requiring nations to act upon it, and assembling them together in their acknowledged capacity of friends and brothers for the purpose of amicable discussion, that we can find a remedy for the evils complained of. In other words the body, suitable for this great object, seems to be the representatives or diplomatic agents of nations, met together in an International Congress.

CHAPTER SIXTH.

OBJECTIONS TO THE PROPOSED CONGRESS.

Even if it should be admitted, that there is abundant occasion for improvements in national intercourse, and that the existing means of such improvement are inadequate; various objections to the proposed Congress of nations will not fail to present themselves. This is an ordeal, from which no untried measure can expect to escape: the judicious will propose them on grounds of prudence, and the timid from fear; and on the whole it is not desirable that it should be otherwise. A good measure will of course bear examination; and it is not desirable, that a bad one, which has been ascertained to be so by inquiry, should undergo the trial of an actual experiment.

I,——One objection is, that the proposed Congress, not being invested with legislative and judicial authority or with the means of enforcing obedience, must ne-

cessarily be advisory merely, and will of course fail of its object. An obvious remark on this objection is, that it would have applied at any former period better than the present. It is one of the honorable characteristics of the present age, that there is an increased disposition to substitute reason for violence, and the logic of good advice for that of blows and bloodshed. But further, this objection seems to imply too limited a view of the business of the Congress. Their business would be partly diplomatic; propositions for treaty arrangements could be made and discussed, under the most favorable circumstances, by the representatives of different nations; the bearings of such arrangements on other nations could be promptly ascertained, and the treaties could be concluded with less perplexity and hindrance than at present. In this respect what might be done at the Congress could not be properly considered as merely advisory, although their doings would undoubtedly be subject to the ratification of their respective governments. Not only this, they would necessarily be a great court of reference. Existing differences, in the shape of contested boundaries, conflicting constructions of international law, and the like, would from time to time be submitted by *agreement* for their adjustment. And their decisions would be more or less binding according to the terms and conditions, under which the reference was made. In other respects their measures would undoubtedly be in a good measure deliberative and advisory, tending to enlighten the dark places of public law, and to point out to nations the path, which reason, benevolence, and religion precribe. But would they, therefore, be necessarily less efficacious? Were the reasonings of Grotius, Puffendorf, and Bynkershoek any thing more than advisory? Where were their fleets and armies, the neighing of horses, and the warriors clothed in blood, to enforce the

public code which *they* promulgated? They went forth, like the first preachers of the Gospel, armed with the rectitude of their cause. They spoke in the name of reason and humanity, and powerful nations bowed at their voice. If individuals could do so much, what can not a Congress of nations do, with the increased influence, which will necessarily attach to their position?

II,——It may be further objected, that the interests of truth and justice will not be secured, in consequence of the undue prevalence of national partialities and predilections. We do not pretend to deny, that there is some weight in this objection; and we will even admit, that intrigues and cabals may be expected to exist at times, and that occasionally the claims of justice will be outraged, and the ends of justice frustrated. On every side there are too many evidences of human delinquency pressing on our attention, to permit us to anticipate otherwise. And yet we apprehend, that this objection intimates to us merely an incidental evil, what logicians might call a FALLACIA ACCIDENTIS; and that it no more proves the actual impracticability and inutility of a Congress of nations, than the conflicts of different sects and the cruelties of persecution prove the inutility of the Christian religion, whose benefits for a single day outweigh the accidental evils connected with it for an hundred years. The history of the successive Congresses, that have been held, tends to confirm what has now been asserted. Undoubtedly cabals have existed and intrigues have been practised; and still Congress after Congress has been held, in the firm belief, notwithstanding the various incidental perplexities, that they furnished the readiest, and perhaps the only practicable method of settling existing difficulties. Sovereigns and nations have consented to take the good and the evil together; and have not been willing to reject the benefit, because with the gold there happened to be some admixture of alloy.

III,—Again, it may be further objected that the organization of the proposed Congress will be found difficult and perhaps impracticable, in consequence of the great inequality of the nations proposed to be represented in it.—As the nations represented in it are all independent, the smaller States would naturally claim an equal vote with others, however superior they might be in power and influence; and we could not rationally expect the great powers would consent to such an arrangement, which would place in the hands of their inferiors the decision of questions involving the most important consequences. But the difficulty, though a serious one, is not insuperable. The Achæan and Amphictyonic leagues, the German confederacy, the Swiss Cantons, the Republic of the Netherlands, the United States, and the successive international Congresses of Europe, have all met this precise perplexity, and at different times and in different ways, have solved it. We may be assured, therefore, that the solution will, in no circumstances whatever, be above the ingenuity of men, who come to the task with a disposition to promote the general rather than the partial good. And such a disposition, to some extent at least, seems to be implied in the very idea of a Congress; for it will undoubtedly owe its existence, whenever it shall have one, to the greater prevalence of the conviction, that the time has come for a more decided subjection of such partial interests to the general welfare. This favorable disposition will be aided in the removal of difficulties of this kind, by the consideration that the Congress will be essentially consultative, deliberative, and diplomatic, rather than legislative; that it will sit as the expositor of human reason and the friend of human happiness, rather than in the character of a Jupiter TONANS, scattering his thunderbolts and shaking Olympus with his nod.

IV,——Without delaying to answer all the objections which may be made, we will further remark briefly upon the following, viz, that the results of Congresses hitherto have not been beneficial, and in some cases positively injurious.—We admit the force of this objection to a certain extent. Vattel speaks of two Congresses, that of Cambray and that of Soissons as useless, as being mere political farces, and undoubtedly some other instances of the like kind could be named. But we ought to remember, in attempting to estimate this objection, that, within two centuries, about forty Congresses, on a greater or less scale, have been held in Europe for terminating wars, settling boundaries, and other international objects. Now that some have failed of their object, and have been broken up before the conferences led to any result, as was the case at Cologne in 1673, or that erroneous principles may have been sometimes promulgated, as was recently done at Laybach, we do not think it worth while to deny.—We assert, however, which we feel ourselves entitled to do with perfect confidence, that such instances are few in comparison with the whole number; and though many of them were held at a comparatively unenlightened period, and often amid the clash of arms, and for limited and partial purposes, they have nevertheless been of incalculable benefit. We might illustrate and confirm our assertion by instancing the Congress of Breda in 1667, and that of Utrecht in 1712; but as events so far back would require many things in explanation, we shall merely refer to a recent instance of this kind, which is too well recollected to require any minute and protracted remarks; we mean the recent Conference or Congress of London, which had the disturbed affairs of Holland and Belgium under its arbitrement. It will be recollected that, in August of 1830, the Belgian provinces, forming a part of the kingdom of the

Netherlands, revolted and set up for themselves.—This was, of course, the signal for a war between the Belgians and Dutch ; and when we consider that the inhabitants of these two nations belong to different sects in religion, and have always been unfriendly and jealous, there was every reason to anticipate a fierce and embittered contest. It was easy to forsee, also, that France would speedily be embroiled on the part of the Belgians, and Prussia on the part of the Dutch ; a state of things which might be speedily followed by the unspeakable miseries of a general European war. No person in the least acquainted with the facts in the case, will presume to say that there was any reasonable prospect of avoiding a general war, except by the mediation and authority of a Conference of nations.—The Dutch felt themselves aggrieved, and were not disposed to listen to such terms as would have been acceptable and indispensable to the Belgians. The French nation were, from various circumstances, strongly attached to the Belgians, and would never have seen the Belgian provinces subdued without assistance. It was under these circumstances that the Conference or Congress of London assembled, with a determination to prevent a war in Europe, and at the same time secure a just arrangement of the existing difficulties between the two nations more immediately concerned. The result of their protracted and anxious deliberations was, that they settled the limits of the Dutch and Belgian territory, regulated the navigation of the rivers of Flanders, of the Scheldt, and of the canals traversing both countries ; directed the method of payment to Holland of the expenses incurred by her since November 1, 1830 ; made provision for the disposal of their property by those who wished to emigrate from one country to the other ; established a Commission for the liquidation of claims ; and secured a gen-

eral amnesty for past political offences, besides regulating other matters and securing other objects of a subordinate nature. And what friend of humanity will not rejoice at such wise and peaceful proceedures and results, which stopped the effusion of blood, and prevented a commotion among all the nations of Europe, which would have been attended with immeasurable horrors and sufferings! There may be less of noise and eclat in these transactions, than if there had been an immediate resort to war and bloodshed, but in the eye of Heaven and in the eye of the philanthropist, they meet with their reward.

But it ought to be remarked that there is much difference between the proposed Congress of nations, and the greater part of the European Congresses which have ever been held. The latter have generally been formed on a small scale and limited to a few nations; they have ordinarily been held in a time of war, and under all the unfavorable circumstances incident to a state of national hostility; and as might be expected from these facts, they have too often been employed merely as the means of relief from the present pressure and suffering, rather than for the promotion of permanent justice and peace. Now we propose a Congress on a broader scale; one which shall include America with Europe, and neutrals as well as belligerents; which shall be the offspring of peaceful times and peaceful intentions; which shall have a prospective bearing and shall powerfully tend to prevent evils, as well as remedy those which have already occurred. Instead of an imperfectly organized body, the occasional result of violent and protracted conflicts between nations, we wish to establish a tribunal on benevolent, just, and fixed principles, to which the whole world may resort on difficult emergencies, which would otherwise result in war. And if beneficial

results have undoubtedly followed from the successive European Congresses, we may rationally expect, under more favorable auspices, an augmentation of benefits; and that the record of history will run, not merely that such and such a war was terminated by a Congress, but that the Congress prevented the occurrence of the war.

CHAPTER SEVENTH.

CIRCUMSTANCES FAVORABLE TO AN INTERNATIONAL CONGRESS.

It must be obvious to every one, that the circumstances of the age, in which we live, are favorable to the projected Congress. Some of these favorable circumstances we will proceed to notice.

I,——And one of the most striking, which arrests our attention, is the *great advancement of the people in nearly all civilized nations in power*. Hardly a century ago, and nearly all power, with the exception of a few unimportant republics, was lodged in the hands of the supreme executive, the prince, king, or emperor. It seems to have been a general sentiment, and to have been generally acted on, that the prince was born to rule, and that the people were created merely to obey. In the public and political measures, which were taken, whether for

good or for evil, the people but seldom came into the account, and were but little thought of. But an unexampled change has taken place in these respects. Within a century past there has been a most wonderful diffusion of general knowledge. In particular there has been a rapid progress in civil and political knowledge ; and it is probably in this species of their advancement in knowledge, that we are to look for the explanation of the people's rapid advancement in political power. In the nature of things it seemed impossible, that they should understand the true foundation of civil and political rights, and not understand the secret of their own strength. They clearly saw, if thrones had any foundation at all, they were built upon the people's will. If principalities and dominions arose above them like mountains, they felt in their own bosoms the kindlings of the volcano, which could expand, and shake them to atoms. But the people, having come to a right understanding and full perception of their power, have seldom been disposed to exercise it in any exceptionable way, provided suitable and seasonable attention has been paid to their rights. Sometimes their strong desires for freedom and representative government have broken out in acts of violence, but generally they have preferred to wait with a patient, yet confident hope in the ultimate consummation of their wishes.—Sometimes their wishes have not only been acceded to, but their rights have been explicitly acknowledged in the concession. Sometimes constitutions have been given by the sovereign under the denomination of *octroyees* or grants ; but the mere mode of the presentation is of but minor consequence, since such constitutions or grants are evidently extorted by the wants and desires of the people, and when carefully examined, they will be found to involve all the requisites of a contract between the sovereign and subject. In ma-

ny other cases the people have had a direct agency in forming them. During the last half century, besides some temporary and abortive attempts, there have been more than eighty new written Constitutions established in Europe and America ; and about one hundred millions of people are said to be ruled by them.

II,——Another favorable circumstance is the *great progress, which has been made in the various departments of science and the arts.* The situation of the world in this respect is very different from what it was a few centuries ago. If scientific knowledge is power in other respects, it is power also, (which is perhaps not quite so obvious at first,) in respect to the political movements of the world. The control, which man, in the exercise of the powers Providence has given him, has been able to obtain over the various forms and energies and processes of nature, has reacted upon himself, and accelerated his civilization. He has ascended rapidly in the scale of being, and with feelings of worthy pride looks downward on his former low estate.

In these remarks it will be observed, that we have not reference so much to the general spirit of inquiry and general diffusion of knowledge, which has already been spoken of, as to advancement in particular arts and sciences, and to discoveries in them of a marked and prominent character. We may perhaps illustrate what we mean by a reference to the discovery of the properties of steam, and the application of those properties to purposes of navigation. It must be obvious, that these discoveries and inventions have in effect brought provinces and nations much nearer to each other, than they ever were before ; and while they have rendered much more rapid and easier the intercourse of men with each other, they have at the same time greatly increased that intercourse. By means of steamboats, canals, railroads, and

telegraphic communications, the transactions in one part of Europe are immediately made known in another, even those that are most distant; so that the different nations of Europe, for this as well as for other reasons, have begun to assume the appearance of a single and closely connected family.

But perhaps a more satisfactory illustration of the connection existing between improvements in the sciences and arts and political melioration, may be found in the invention and the progress of the art of printing. It is owing to this wonderful and blessed art, that whatever is said, beneficial in its consequences and worthy of being repeated, is immediately circulated through the world. The channel of communication, furnished by the press, has in fact become a great and curious ear of Dionysius, through which the conversations in the extremities of the world, and even the slightest whispers, are collected and rapidly reverberated to our own firesides and homes. In many respects England in particular, and France, and Italy, and the Germanic states have become a common country with ourselves. In consequence of the increased facilities for printing and for the circulation of what is printed, we are enabled to listen to their debates, to take an interest in their discussions, to become acquainted with their discoveries, and to examine their plans for the promotion of the public good. In these respects, and in others, we are beginning to be one.—The separating tendencies of a difference in clime and in language are yielding to the affinities of intellect and the gentle attractions of the heart, which have resumed, in some degree, their natural and appropriate influence in consequence of the intercommunications of the press. And it must be evident on the very slightest reflection, that such a state of things is exceedingly favorable to the proposed Congress of nations. Their

power, supposing such a body to be constituted, will be essentially of a moral kind; moral power depends upon the communication of truth; and this communication depends upon the press.

III,——A third favorable circumstance is *the extension of the representative principle and the establishment of representative governments.* This favorable circumstance has already been incidentally alluded to, in the remarks on the increased power of the people at the present day. In a large majority of the written Constitutions which have been recently established, the representative principle is recognized, although it is sometimes subjected to unnecessary restrictions. The principle of representation, as it is put in practice in France, and Great Britain, and particularly in the United States and the other American republics, may politically be regarded as the grand discovery and the prominent characteristic of these later times. When it shall become a little more extended and be more fully brought into action, it seems destined to operate a change in the policy of nations, in the highest degree favorable to the welfare of the people. That part of the representation, which is drawn directly from the people, will feel it a duty to become acquainted with their wants, sufferings, prejudices, and just claims. Operating in this way, and virtually introducing the people themselves to a direct share in the government, the right of representation will prove of vast benefit. The policy of nations has hitherto been essentially belligerent; but popular representation will be adverse to this policy, and in the same proportion will be propitious to the great objects which, a Congress of nations proposes to secure. It is not true and it cannot be satisfactorily shown, that the great mass of mankind are at all disposed to promote those ruinous contests, which have blighted and cursed the earth. They have the feelings of men,

and they cannot see the reasonableness of persecuting and putting to death those who bear the same image. And it certainly does not tend to remove their impressions of the absurdity of these measures, when, as a consequence of them, they find their children bleeding and perishing, and their substance eaten up with taxation. The people, therefore, may confidently be set down as entertaining feelings favorable to pacific policy, commercial intercourse, and light taxation; and the principle of representation, when fully developed, will not fail to give vast expansion and influence to their wishes.

IV,—Another favorable circumstance of great importance, is, *that the public mind is, in some degree, prepared for the establishment of a Congress of nations.*—Every great political movement requires a preparation of public sentiment; and if such preparation be necessary in the establishment and changes of a single nation's internal administration, it must be equally necessary to effectuate the institution of a supervisory administration, destined to embrace all nations. Without the favor of public sentiment, it could not possibly be done.—We do not say, there is a complete preparation in this respect; we know it is otherwise; but we do not hesitate to assert, that public opinion is setting in the right direction, and that there is an approximation to the standard, which we wish it to establish. Many circumstances have led to this approximation. Civilized nations are already familiar with the name and the general nature of a Congress, established for international purposes. For two hundred years they have witnessed the sessions of such assemblies; and although the subject is presented in a new form, it does not come arrayed in perfect novelty. They have seen the effects of these assemblies in their measures, and with some undoubted exceptions, have looked upon them as beneficial.

Furthermore, as far as Europe is concerned, there is a basis laid for a permanent Congress, not only in a favorable public sentiment, but especially in the condition of the European States, considered in relation to each other. The nations of Europe, closely united together by other circumstances than that of mere proximity, have the appearance of a single commonwealth. Differing greatly in extent and power, the smaller States naturally cling to the more powerful for protection; and these last are so situated, and so equally balanced against each other, that one cannot move greatly out of its accustomed orbit, without disturbing the equilibrium of a long established system. This peculiar and complicated state of things, which historians have imperfectly indicated by the phrase *balance of power*, extending over numerous watchful and rival millions, and checked and controlled in its operations in a multitude of ways, evidently requires, in order to be kept in action and its proper position, the constant practice of consultation, supervision, and advice. The history of the past all tends to warn against supineness and want of watchfulness. The unchastened ambition of princes often leads them into measures at variance with the dictates of reason, justice, and prudence. At one time, the equilibrium, so essential to the safety of all the States of whatever grade, is put at hazard by the arms and the policy of a Charles the Fifth; at another time by the ungovernable ambition of a Napoleon, who aims to unite principalities and kingdoms in his own person, and to plant the pillars of an universal monarchy. The necessity of constant circumspection and intercourse, for the purpose of maintaining the appropriate arrangements or adjusting them when out of order, necessarily gives frequent occasion for international assemblies, justly entitled to the character of Conferences or Congresses.

V,——A fifth favorable circumstance is the marked change which has taken place *in the sentiments of all classes on the subject of war.*—Previous to the commencement of the present century, a decided expression, adverse to the continuance of war, and in favor of the prevalence of peace, could scarcely be made by any one, without his incurring the imputation of weakness and folly, unless perchance it was met by utter indifference. The right, and even the utility of war were scarcely considered open and debateable questions, since they were found to be so universally patronized by those in high places, no account of course being made of the lower and middle classes, on whom the curse fell with every possible variety of infliction. But the principle of representation has given to these classes the power of speech; and the power of speech has called into exercise the power of inquiry, reflection, and reason; and a voice, unheard before, has come up, as if from the vast depths, loud and terrible, that war shall be no more. It is not merely the suffering multitude, the millions who bear the toil, the burden, and the blood, that begin to speak out on this all important subject. We have now, in opposition to the practice of war, the opinions of men high in authority, placed in elevated stations, rich in this world's wealth, and rich too in the treasures of learning and prudence. They have heard the groans of their fellow-beings, and the heart of sympathy has been moved within them. The open and avowed advocates of peace, in the various classes of society, have increased an hundred-fold, and the increase of boldness, intellectual power, and consistent zeal has corresponded to the augmentation of numbers. And why should we not expect it to be thus, when any considerable body of men is brought to reflect on the subject? What source of misery, which is under the direction and control of man himself, can be compar-

ed to this? When some terrible disease advances from country to country, when the seeds of the pestilence are scattered abroad by the Almighty, it becomes us to bow in submission and to hide ourselves in the dust before that Holy Being who knows our ill deserts, and whose secret ways are inscrutable to man. But in the devastations of war, it is not an Almighty Being, whose prerogatives we are not at liberty to question, but one of the feeble, erring creatures of his footstool, that seizes the burning thunderbolt, and scatters it through the world. And what renders the act the more astonishing, it is not the mere impulse of an unforeseen phrenzy, the ebullition of a momentary madness, but a matter of calculation, and cool reasoning, and carried on in the very face of heaven, and in defiance of the divine precept, *thou shalt love thy neighbor as thyself.*

But it is well ordered in Providence, that criminal principles and practices do not fail to expose themselves, and ultimately to work their own cure. The cries of widows and orphans had been heard from every quarter, mingling on every breeze, but they were too little regarded. The symptoms were at last observed of a great political commotion; the clouds came; the thunders muttered; the lightnings gleamed; there was a quaking and rocking of the earth, and then there suddenly opened the grand volcano of the French Revolution of 1790, to the wonder and bountiful edification of all the advocates of war. At that dreadful period there were certain experiments, which had a wonderful effect in enlightening the sentiments of some classes of people. It was found that the glittering sword of war could strike upward, as well as downward; among the high and the mighty, as well as among the poor and powerless peasants. The scythe fell upon the neck of princes; those, who had been clothed in purple and fine linen, were ar-

rayed in beggar's rags and ate their crumbs in a dungeon; the innocent children died with the guilty fathers ; delicate women, the delight of their friends and the ruling star of palaces, were smitten by the hand of the destroyer, and bowed their heads in blood. And then were beheld the hundred guillotines, the horrid invention of the fusillades, the drownings in the Loire, the dreadful devastations of La Vendee, the gathering of armies on the plains of Italy, the bridge of Lodi, and the battle of Marengo. These were the beginnings of terrors, the opening of the incipient seal, but the end was not yet.—For twenty successive years the apocalypse of the book of war opened itself from one end of Europe to the other, and on the ocean as well as on the land, in the thunders and fires which at once shook and enlightened and awed the world, of the Nile and Trafalgar, of Jena and Austerlitz, together with the dashing of throne against throne, and of nation against nation. At length the "white horse of death" was seen taking his way through the centre of Europe, and power was given to him to kill with the sword and with hunger ; and he was followed by " the beasts of the earth," an army of five hundred thousand soldiers ; and they were all offered up as victims on the frozen fields of Russia, and the Kremlin, and the ancient and mighty city of Moscow were burnt upon their funeral pyre. The earth shook to its centre ; a howling and a lamentation went up to heaven ; the living ate the dead and then fed upon their own flesh, and then went mad ; the wolves and the vultures held their carnival, while Rachel wept for her children and would not be comforted. Nevertheless the sickle of the destroyer was again thrust among the clusters ; the wine-press of war was trodden at Dresden and Leipsic and Waterloo, till the blood " came out of the wine-press, even to the horse-bridles."

After these dreadful convulsions were brought to a consummation, men began to pause and reflect.—They witnessed around them a perpetual desolation; the noble and the mighty fallen from their high places; the poor made poorer and ground into dust by taxation; families of all ranks, mourning the loss of husbands, brothers, sons; the culture of the earth interrupted, and the once happy cottage and its vineyards all laid waste. And they very naturally asked, why is all this? Why have we been destroying each other, and making ourselves miserable? Their eyes were opened, in some degree, to their own dreadful infatuation; they saw and they lamented their exceeding folly and crime. We may now assert with confidence, although there is an infatuated party in Europe in particular, who are doing all in their power to urge nations once more into the dreadful career of violence and bloodshed, that the great mass of reflecting and judicious men are in favor of peace; they shudder at the thought of a renewal of the horrors of war; they behold, in such renewal, unsearchable misery to the great multitude of mankind without the compensation of a single benefit to any one, excepting a few ambitious chieftains, who are heartless enough to place the paltry glitter of their epaulets in the balance against the sighs and groans, and tears, and blood of agonizing millions.

Since the beginning of the world, there has never been so favorable an opportunity for a great movement for the promotion of universal peace. There is a general pause among the nations, an awakened expectation, an earnest hope of some permanent good, at the same time a doubt and hesitation whither to turn their course, a fearful looking for of the return of past evils with a desire to avoid them; and if we can rightly read the signs of the times, like men in great perplexity, who

know not where to place the basis of their hopes, they would hail the proposition of an international Congress as a solace for the past, and a joyful harbinger for the future.

CHAPTER EIGHTH.

CONCLUDING REMARKS.

We now leave the subject to the serious and judicious examination of all classes of persons. If they will but recollect the relation they sustain to their Creator and the human race, and are inspired with the sentiments suitable to such a consideration, we shall not fear the results of their examination. We are not ignorant that the heart has something to do with this subject, as well as the intellect; that it is not a mere mathematical problem, which is to be solved solely by the *plus* and *minus* of the head, but appeals, in part at least, to the instinctive intuition of the powerful logic of the affections. We do not presume to ascertain the duties of men, as we would investigate the properties of a circle, by a process of pure abstraction, without an infusion of our own feelings, or without a consideration of the nice and variously operating sensibilities appropriate to human nature. If a man asks for bread, will you give him a stone? If he asks a fish, will you give him a serpent? And why not? Is it the result of a cold and accurate calculation, or simply because you are yourself a man, and feel as a man? This is the inspiration of sentiment, the deduction of the heart; and we do not hesitate to say, that on this whole

subject, (not only that of a Congress of nations, but on war and peace in general,) we are bound to recognize, and cherish, and appeal to the prompt and unerring intimations from that source.

In quitting this subject, however, we cannot withhold the expression of the hopes, which its consideration tends to cherish. There are no doubt obstacles, which force themselves on the attention, but there are encouragements still more obvious and decisive. The necessities and sufferings of mankind, the inefficiency of existing means of redress, the experience of past ages, the deductions of reasoning, the prophetic anticipations of benevolence, the opinions of wise and learned men, the advancements in civilization and freedom, all seem to point in one direction; all seem to be verging to a common centre. Some of the grounds of encouragement have already been made the topics of remark; and we do not feel at liberty to suppress the hopes they inspire. Even if it were a delusion, we should be almost inclined to indulge it for the happiness it imparts; but it is not. And we have the more reason to think it is not so, when, in connection with the considerations already presented, we take into view the encouragements from another and far higher source. We cannot easily rid ourselves of the impression, that the religion of the Bible, so pure and beneficent in its spirit, imperiously requires some further movements and developements in the societies of men, which can be realized only in an established Congress of nations. We trust, that no philanthropist, however he may have been cheered by the progress of society for some ages past, will permit himself to indulge the belief, that it has reached the consummation of its improvement. It is certain, that the Bible holds out far more cheering prospects than we have yet been permitted to witness; the more general diffusion of knowledge, the

universal restoration of peace, the enlargement of a benevolent spirit, the liberation of the prisoner, the increase of purity and faith throughout the world. And how are these cheering results to be secured? Not only by prayer, reflection, and action; but by concert of prayer, communication of thought, and unity and concentration of action; by inducing men to feel, to reason, and to strive together. Is not, then, a Congress of nations, one of the means, which Providence and the Word of God clearly points out?

In our estimation, such an assembly would be the most pleasing and decisive commentary on the purifying influences of the Gospel, from which influences alone, as felt in the conduct of Christians, in conversation, and in the well wrought issues of the press, it would result. It would present itself as an object, fitted to enlist the regards of all men. The philosopher would mark it, and pronounce it good. The Christian in all countries, from his home on Alpine heights and from his dwelling-place in humble vallies, in the secret chambers of religious meditation, and in the companies of the noisy and restless world, would turn his eye to this grand assembly, and feel that Prophecy is fulfilled.

Let us indulge the inspiration of so great a theme. Let us place before us this Universal Parliament, which contains in itself the extract and the essence of the wisdom of all climes. And how gloriously it strikes upon the sense, and amplifies and fills the imagination! When the rude Gauls entered the city of Rome, and saw the venerable Senators seated in silence to receive them, they were filled with admiration at the dignity of their appearance.—They read, in their staid countenances and motionless lips and marble brows, a stern integrity, and apatriotic devotedness to their fallen country; and the hearts of the barbarians were strongly moved.

But the Congress of nations is not a silent assembly; it speaks to the sight, but it speaks to the ear also. And in what a voice! With what depths of research and learning! With what profound and harmonious eloquence! England sends her Fox and Pitt, her Cannings and Broughams; France, her Foys and Manuels and Constants; Prussia, her Hardenberg; regenerated Spain, her Arguelles; and our own beloved America, her Franklins and Jeffersons, her Madisons and Marshalls. Would not such an assembly command the attention of the world; that broad, deeply interested world, which they would have for their audience! Would not the voice of war, always ready to break out in threatenings and blood, grow silent at their frown! Would not wisdom emanate from their lips, which would enlighten the obscurities of public law, and spread an effulgence over the too long perplexed and darkened pathway of nations! As in ancient times, distinct and powerful communities resorted to the Senate of Rome for the settlement of their difficulties, we should now see nations, powerful in arts and in arms, resorting to them for their advice; but they would come to a purer and more exalted tribunal. Their jarring differences are settled; their drawn swords are returned to the scabbard; and they go back to their hills and vallies, their vines and their fig trees; and beside the cool fountain and the overarching shade, and around the domestic hearth, no longer visited by sudden and cruel alarms, they celebrate the dominion of peace, and the triumph of universal justice.